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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ ARB.P. 761/2024 & I.A. 30463/2024.

MANJU MUKHIJA

..... Petitioner

Through: Mr. Ankit Jain, Advocate.

versus

CENTRAL WAREHOUSING CORPORATION Respondent

Through: Mr. Rajiv Shukla, Ms. Shivani
Kapoor, Mr. Sanjiv Shukla, Mr.
Sanjay Kumar, Advocates
[9810110572].

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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29.05.2024

1. The petitioner has approached this Court under Section 11 of the Arbitration and Conciliation Act, 1996 ["the Act"], for appointment of an arbitrator to adjudicate disputes arising under an agreement dated 02.02.2022.
2. The agreement contains an arbitration clause [Clause 15] of the Special Terms and Conditions ["STC"]. The jurisdiction of Courts in Delhi is provided in Clause 13 of the STC.
3. Disputes having arisen between the parties, the petitioner invoked arbitration by a communication dated 16.10.2023, to which there was no response.
4. Pursuant to the order dated 27.05.2024, learned counsel for the respondent has taken instructions and submits that the proceedings may



be referred to arbitration, but requests that the arbitration proceedings be deferred for a short period to enable the parties to explore a possibility of settlement.

5. Learned counsel for the parties are agreed that an attempt at settlement be made through mediation.

6. In view of the above, and with the consent of learned counsel for the parties, the petition is disposed of with the following directions:

- A. The parties are referred to mediation under the aegis of Samadhan, Delhi High Court Mediation and Conciliation Centre, Shershah Road, New Delhi-110503 [“Samadhan”].
- B. Parties will appear before the learned Mediator on 03.07.2024.
- C. In the event the mediation proceedings are unsuccessful, disputes between the parties will be adjudicated by arbitration to be held under the aegis of Delhi International Arbitration Centre, Delhi High Court, Shershah Road, New Delhi [“DIAC”]. DIAC is requested to nominate an arbitrator from its panel.
- D. The arbitration proceedings will be governed by the Rules of DIAC, including as to remuneration of the learned Arbitrator.
- E. The learned Arbitrator is requested to furnish a declaration under Section 12 of the Act, prior to entering upon the reference.
- F. DIAC is requested to defer the arbitral proceedings for a period of two months from today, to enable the parties to resolve their disputes through mediation. In the event the mediation proceedings are still underway beyond the period of two months, the parties may jointly approach DIAC for further deferment of the arbitration proceedings. If the parties are unable to settle their disputes in



mediation, either party may approach DIAC for commencement of arbitration proceedings.

G. It is made clear that all rights and contentions of the parties are left open for adjudication by the learned Arbitrator.

PRATEEK JALAN, J

MAY 29, 2024

“Bhupi”/