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IN THE HIGH COURT OF DELHI AT NEW DELHI

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ARB.P. 860/2023

OYO HOTELS AND HOMES PVT. LTD

..... Petitioner

Through: Mr. Manish Dhir, Advocate.

versus

BHARAT ELECTRONICS LTD

..... Respondent

Through: Mr. Manish Paliwal, Advocate.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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10.01.2024

1. By way of the present petition filed under Section 11(6) of the Arbitration and Conciliation Act, 1996 ("the Act"), the petitioner seeks appointment of an arbitral tribunal comprising of a sole arbitrator to adjudicate the disputes between the parties arising out of the Booking Services Agreement dated 21.11.2019.

2. Learned counsel for the petitioner submits that the parties had entered into the aforesaid Agreement which contains an arbitration clause (Clause J) which provides that all disputes with respect to the said Agreement, shall be referred to arbitration as per provisions of the Act, and further provides that the place of arbitration would be at Delhi.

3. Disputes having arisen between the parties, the petitioner invoked arbitration vide legal notice dated 19.06.2023, to which no reply has been received.

4. Mr. Manish Paliwal, learned counsel, has entered appearance on behalf of the respondent pursuant to notice issued on 05.12.2023. He submits that the respondent does not dispute the existence of the arbitration clause, but requests that the parties may be referred to mediation prior to adjudication by the learned arbitrator.



5. Learned counsel for the petitioner also accepts this suggestion.
6. Having regard to the above, 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. They parties will appear before the learned Mediator on 22.01.2024.
 - B. In the event the mediation proceedings are unsuccessful, the disputes will be adjudicated by arbitration under the aegis of Delhi International Arbitration Centre, Delhi High Court, Shershah Road, New Delhi [“DIAC”]. In such an eventuality, DIAC is requested to nominate an arbitrator from its panel. The arbitration proceedings will be governed by the Rules of DIAC, including as to remuneration of the learned arbitrator.
 - C. The learned Arbitrator is requested to furnish a declaration under Section 12 of the Act, prior to entering upon the reference.
 - D. In order to enable the parties to settle their disputes in mediation, DIAC will take steps for commencing of the arbitral proceedings only after 01.03.2024. Either party may approach DIAC for constitution of the arbitral tribunal any time after the said date.
7. The petition stands disposed of with these directions.

PRATEEK JALAN, J

JANUARY 10, 2024

“Bhupi”/