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

+ **ARB.P. 837/2024**

SENTISS PHARMA PVT. LTD.

.....Petitioner

Through: Mr. Vikas Dutta, Ms. Nivedita
Grover, Advocates.

versus

GLOBAL CALCIUM PVT. LTD.

.....Respondent

Through: Mr. Anupam Kishore Sinha, Mr.
Pradeep Kumar Tiwari, Mr.
Apoorv Jha, Mr. Sahitya
Srivastava, Advocates.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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23.09.2024

1. By way of this petition, under Section 11 of the Arbitration and Conciliation Act, 1996 [“the Act”], the petitioner seeks appointment of an arbitrator to adjudicate disputes between the parties under a supply agreement dated 21.04.2023 [“the Agreement”].
2. The Agreement contains an arbitration clause [Article 14], which provides for adjudication of disputes by a sole arbitrator to be selected by the parties. Delhi has been designated as the “place of jurisdiction” and also place of arbitration.
3. Disputes having arisen between the parties, the petitioner invoked arbitration by a letter dated 29.12.2023. In the reply, through counsel, dated 30.01.2024, the respondent disputed the existence of arbitrable



disputes, and also disputed the petitioner's claims on merits. It was also contended that the parties had not made a pre-arbitration attempt to settle the disputes mutually.

4. Mr. Anupam Kishore Sinha, learned counsel for the respondent, submits that the disputes may be referred to arbitration, leaving all contentions open to the respondent to raise in the arbitral proceedings. Mr. Sinha, however, submits that prior to the arbitral proceedings, the Court may refer the parties to mediation to see if a mutually acceptable resolution of disputes is possible. This suggestion is also acceptable to Mr. Vikas Dutta, learned counsel for the petitioner.

5. 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.

B. They will appear before the learned Mediator on 01.10.2024.

C. In the event the mediation proceedings are unsuccessful, the disputes between the parties will be adjudicated by arbitration of Hon'ble Mr. Justice A.K. Pathak, former Judge of this Court [Tel: 9910384602]. The learned Arbitrator is requested to furnish a declaration under Section 12 of the Act, prior to entering upon the reference.

D. The arbitration proceedings will be held under the aegis of Delhi International Arbitration Centre, Delhi High Court, Shershah Road, New Delhi ["DIAC"], and will be governed by the Rules of DIAC, including as to remuneration of the learned Arbitrator.



E. DIAC is requested to defer the arbitral proceedings for a period of six weeks from today, to enable the parties to arrive at a settlement in mediation. The learned Arbitrator is requested to enter into the reference after a period of six weeks, upon request of either party.

6. All rights and contentions of the parties are left open for adjudication by the learned Arbitrator.

7. The petition is disposed of in the aforesaid directions.

PRATEEK JALAN, J

SEPTEMBER 23, 2024

'Bhupi' /