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

+ ARB.P. 931/2024

M/S ALKA LABORATORIES PVT. LTD.Petitioner
Through: Mr. Kamal Gupta, Advocate

versus

SH. NIKHIL VIJAY LOMBAR PROPRIETOR OF
M/S LOMBARDYNE INDUSTRIESRespondent
Through: Mr. Rishub Kapoor, Advocate

CORAM:
HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER
13.09.2024

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1. The petitioner has filed the present petition, under Section 11 of the Arbitration and Conciliation Act, 1996 ["the Act"], for appointment of an arbitrator to adjudicate disputes between the parties under an agreement dated 01.06.2023 ["the Agreement"].
2. The Agreement contains an arbitration clause, which provides for resolution of disputes by the sole arbitrator mutually appointed by the parties. Delhi is designated as the venue of arbitration and exclusive jurisdiction has also been vested in the Courts in Delhi.
3. Disputes having arisen between the parties, the petitioner invoked arbitration by a legal notice dated 11.11.2023, which elicited no response.
4. It is in these circumstances that the petitioner has filed the present petition under Section 11 of the Act.

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5. Mr. Rishub Kapoor, learned counsel for the respondent, appears pursuant to notice issued on 05.07.2022. He submits that the existence of the arbitration clause is undisputed, but the respondent would like to make an effort to settle the dispute with the petitioner by way of mediation.

6. Mr. Kamal Gupta, learned counsel for the petitioner, is also agreeable to an attempt being made in this direction.

7. In view of the above and with the consent of the 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 20.09.2024.
- c. In the event the mediation proceedings are unsuccessful, disputes between the parties under the agreement dated 01.06.2023, will be adjudicated by arbitration 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. In the event an arbitration is necessary, it will be open to the parties to raise their respective claims and counter claims before the learned Arbitrator. All rights and contentions in this regard are



expressly reserved.

g. DIAC is requested to defer the arbitration proceedings until 01.11.2024, to enable the parties to resolve their disputes through mediation. In the event, parties jointly request further time, for this purpose DIAC may defer the reference further. Otherwise, the learned Arbitrator is requested to enter into the reference upon request of either party after 01.11.2024.

8. This petition is disposed of in the aforesaid terms.

PRATEEK JALAN, J

SEPTEMBER 13, 2024

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