



\$~2

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

+ ARB.P. 1092/2023

M/S SIS LTD (FORMERLY SECURITIES AND
INTELLIGENCE SERVICES (INDIA) LTD) Petitioner

Through: Mr. Anupam Kishore Sinha, Mr.
Apoorv Jha & Ms. Sahitya
Srivastava, Advocates.

versus

ANGELIQUE INTERNATIONAL LIMITED Respondent

Through: Mr. Gagandeep Singh, Advocate.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER
22.01.2024

%

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 Arbitral Tribunal comprising of a Sole Arbitrator to adjudicate the disputes between the parties.

2. Learned counsel for the petitioner submits that the petitioner executed a Work Order dated 18.01.2018 in favour of the respondent, giving rise to a Security Services Agreement entered into by the parties. It is submitted that the said Agreement contains an arbitration clause (Clause 7), 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 11.01.2021, to which the respondent failed to respond.

4. Notice was issued in this petition on 17.10.2023, pursuant to which Mr. Gagandeep Singh, learned counsel for the respondent, entered appearance for the respondent on 28.11.2023 and at the joint request of the parties, they were referred to mediation. Mediation proceedings remain pending and learned counsel for the parties state that the next date of hearing before the learned mediator is 05.02.2024.

5. Having heard learned counsel for the parties, it appears that there is no dispute with regard to the existence of the arbitration clause in the present matter or the invocation thereof. Therefore, while giving parties time to settle their disputes in mediation, they may also be referred to arbitration, in the event the mediation proceedings are unsuccessful, with a request that the arbitration proceedings are deferred for a short period of time.

6. For the aforesaid reasons, the petition is disposed of with the following directions:-

- a. The mediation proceedings pursuant to the order dated 28.11.2023 may proceed to their logical conclusion.
- b. In the event the mediation proceedings are unsuccessful, the disputes between the parties will be resolved by arbitration under the aegis of Delhi International Arbitration Centre, Delhi High Court, Shershah Road, New Delhi-110503 [“DIAC”]. DIAC is requested to nominate an arbitrator from its panel.
- c. The arbitral proceedings will be governed by Rules of DIAC,



including as to the remuneration of the learned Arbitrator.

- d. The learned Arbitrator is requested to furnish a declaration in terms of Section 12 of the Act prior to entering upon the reference.
 - e. In order to give the parties an opportunity to settle their disputes, DIAC is requested to defer proceedings in the reference until 15.03.2024. If the parties jointly request for further time to settle their disputes, the reference may be deferred further by DIAC.
7. The petition stands disposed of with these directions.

PRATEEK JALAN, J

JANUARY 22, 2024

'pv' /