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

+ ARB.P. 1109/2023

ANK HOTELS PVT LTD Petitioner
Through: Mr. Mitash Charan, Advocate.

versus

HI-VIEW CONSTRUCTIONS PVT LTD Respondent
Through: Mr. Sandeep Sharma, Advocate.

CORAM:
HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER
% **18.01.2024**

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 arising between the parties under a franchise agreement dated 04.12.2020 [“Agreement”]. The Agreement contains an arbitration clause [clause 15] which provides for arbitration by a sole arbitrator. Delhi has been designated as the seat of arbitration and also conferred with jurisdiction in all proceedings emanating out of the arbitration proceedings.
2. The petitioner invoked the arbitration by a letter dated 05.09.2023 to which no response was received.
3. Notice was issued in this petition on 20.10.2023 and the respondent was granted time to file a reply, if necessary, by an order dated 28.11.2023, but no reply has been filed.
4. Mr. Sandeep Sharma, learned counsel for the respondent, states



that the respondent has no objection to the appointment of an independent arbitrator but seeks a reference to mediation to attempt an amicable settlement of the disputes. Mr. Mitash Charan, learned counsel for the petitioner, has no objection to this request.

5. In view of the above, the petition is disposed of with the following directions:-

- a. The parties are referred to Samadhan, Delhi High Court Mediation and Conciliation Centre, Delhi High Court, Shershah Road, New Delhi-110503. The parties will appear before the mediator on 01.02.2024.
- b. In the event, the mediation proceedings are unsuccessful, the disputes will be resolved under the aegis of Delhi International Arbitration Centre, Delhi High Court, Shershah Road, New Delhi-110503 [“DIAC”].
- c. DIAC is requested to nominate an arbitrator from its panel. The arbitral proceedings will be governed by the 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 into the reference.
- e. It is made clear that all rights and contentions of the parties on merits are reserved for adjudication before the learned arbitrator.

6. The petition stands disposed of with these directions.

PRATEEK JALAN, J

JANUARY 18, 2024

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