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IN THE HIGH COURT OF DELHI AT NEW DELHI

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ARB.P. 1234/2023

RAPIPAY FINTECH PVT. LTD.

..... Petitioner

Through: Ms. Sunanda Tulsyan & Mr. Akhil
Sachar, Advocates.

versus

MR. NEIL MAHESHWARI

..... Respondent

Through: Mr. Arav Pandit, Mr. Himanshu
Satija, Harsh Saxena & Mr.
Harshit Khanduja, Advocates.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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19.01.2024

1. The petitioner has filed this 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 17.01.2023 [“the Agreement”].
2. The Agreement contains an arbitration clause, which provides for adjudication of disputes by a sole arbitrator. Delhi has been designated as the venue of the arbitration proceedings.
3. Disputes arose between the parties, and the petitioner invoked arbitration *vide* notice dated 12.09.2023, which failed to elicit a response.
4. As the existence of the arbitration clause and due invocation thereof are not disputed, I am of the view that the appropriate course



would be to refer the parties to mediation, and also appoint an arbitrator to adjudicate disputes in the event mediation proceedings are unsuccessful.

5. Having regard to the above, and with the consent of learned counsel for the parties, the petition is disposed of with the following directions:-

- a. With the consent of learned counsel for the parties, the parties are referred to mediation under the aegis of Samadhan, Delhi High Court Mediation and Conciliation Centre, Delhi High Court, Shershah Road, New Delhi-110503. The parties will appear before the mediator on 30.01.2024.
- b. In the event disputes between the parties under the Agreement are not resolved in mediation, they will be adjudicated by arbitration under the aegis of the Delhi International Arbitration Centre, Delhi High Court, Shershah Road, New Delhi-110503 [“DIAC”]. 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.
- c. The learned Arbitrator is requested to furnish a declaration in terms of Section 12 of the Act, prior to entering into the reference.
- d. These directions will take effect after 01.03.2024, and if the mediation proceedings are still ongoing by that date, and the parties require some further time to settle the matter, they may jointly request DIAC for a further deferment.
- e. It is made clear that all rights and contentions of the parties, including as to the arbitrability of any of the claims, any other



preliminary objections, as well as claims on merits of the disputes of either of the parties, are left open for adjudication by the learned Arbitrator.

6. The petition stands disposed of with these directions.

PRATEEK JALAN, J

JANUARY 19, 2024

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