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

+ **ARB.P. 1236/2023**

REYNOLD INDIA PVT. LTD. Petitioner
Through: Mr. Suhail Khan, Advocate.
(Through VC)

versus

RAHUL SHAH Respondent
Through: Mr. Lokendra Upadhyay and Mr.
Mamta Upadhyay, Advocates.

CORAM:
HON'BLE MR. JUSTICE PRATEEK JALAN

% **ORDER**
07.03.2024

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 the disputes between the parties under a Service Agreement dated 03.05.2021. The respondent was appointed as Senior Engineer (Sales) of the petitioner by virtue of this agreement. The agreement contains an Arbitration Clause [Clause 23] which provides for settlement of disputes by arbitration. Clause 24 vests exclusive jurisdiction in the Courts in Delhi.

2. Disputes have arisen between the parties, the petitioner invoked arbitration by a communication dated 05.06.2023, which failed to elicit a response.



3. Mr. Lokendra Upadhyay, learned counsel enters appearance on behalf of the respondent, and states upon instructions, that the respondent does not dispute the existence of the arbitration clause, but seeks to resolve the disputes in mediation.

4. Mr. Suhail Kumar, learned counsel for the petitioner, is also agreeable to such an attempt.

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. The parties will appear before the learned Mediator on 14.03.2024.
- c. In the event the mediation proceedings are unsuccessful, the disputes between the parties will be referred to 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. The arbitration proceedings will be governed by the Rules of DIAC, including as to remuneration of the learned Arbitrator.
- d. The learned Arbitrator is requested to furnish a declaration under Section 12 of the Act, prior to entering upon the reference.
- e. In order to give the parties an opportunity to settle their disputes in mediation, DIAC and the learned Arbitrator are requested to defer the arbitration proceedings by a period four weeks from



today. After the expiry of four weeks, DIAC will proceed with the arbitration proceedings at the request of either of the parties.

6. The petition stands disposed of in these terms.

PRATEEK JALAN, J

MARCH 7, 2024

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