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

+ **ARB.P. 1365/2023**

PRABJIT SINGH GILL

..... Petitioner

Through: **Ms. Vanika Gupta, Advocate.**

versus

SAYA HOMES PRIVATE LIMITED & ORS.

..... Respondents

Through: **Mr. Anmol Kumar, Advocate.**

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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02.02.2024

1. The petitioner has filed this petition under Section 11 of the Arbitration and Conciliation Act, 1996 ["the Act"], seeking appointment of an arbitrator to adjudicate disputes under an agreement dated 25.08.2022 entitled "Settlement Agreement" ["the Agreement"]. The Agreement contains an arbitration clause [clause 30], which provides for disputes to be adjudicated by a sole arbitrator. New Delhi has been designated as the seat of arbitration. Clause 29 of the Agreement confers exclusive jurisdiction to Courts in New Delhi.

2. Disputes having arisen between the parties, the petitioner invoked arbitration by a legal notice dated 09.11.2023. The notice did not elicit a response, which has led to the filing of the present proceedings.

3. Mr. Anmol Kumar, learned counsel, enters appearance on behalf of the respondents pursuant to notice issued on 22.12.2023. He submits that



the respondents do not dispute the existence of the arbitration agreement but request that the parties be referred to mediation to enable a settlement, if possible.

4. Ms. Vanika Gupta, learned counsel for the petitioner, has no objection to a reference to mediation.

5. Having regard to the submissions of learned counsels for the parties, I am of the view that the petition can be disposed of by referring the parties to mediation and also appointing an arbitrator for adjudication of the disputes in the event that the mediation proceedings are unsuccessful.

6. With the consent of learned counsels 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. The parties will appear before the mediator on 08.02.2024.
- b. In the event, the mediation proceedings are unsuccessful, the disputes will be resolved by the arbitration of Hon'ble Ms. Justice Asha Menon, former Judge of this Court [Tel:- 9910384664]. The arbitration will be held under the aegis of Delhi International Arbitration Centre, Shershah Road, New Delhi-110503 ["DIAC"] and subject to 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 upon the reference.
- d. DIAC and the learned Arbitrator are requested to defer the arbitral



proceedings until 01.04.2024, to enable the parties to settle their disputes in mediation, if possible. If the parties jointly request for further deferment, DIAC may grant the same.

- e. It is made clear that all rights and contentions of the parties are left open for adjudication by the learned arbitrator.
7. The petition stands disposed of with these directions.

PRATEEK JALAN, J

FEBRUARY 2, 2024

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