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

+ **ARB.P. 239/2024**

ZENITH ELECTROTECH PVT. LTD.

..... Petitioner

Through: Mr. Ajay Chaudhary, Ms.
Chanchal Sharma, Mr. Bharat
Chaudhary and Mr. Manoj Kumar
Bhagat, Advocates.

versus

SHISHIR JAIPURIA AND ANR.

..... Respondents

Through: Mr. Pallav Palit, Advocate
(Through VC)

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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01.03.2024

1. The petitioner seeks an appointment of an arbitrator under two work orders dated 19.02.2019. The work orders contain arbitration clauses (Clause 22), which provide for adjudication of disputes by a sole arbitrator. Disputes having arisen between the parties, arbitration was invoked by a legal notice dated 06.04.2023, which the respondent replied to on 14.04.2023.

2. Pursuant to notice issued on 22.02.2024, Mr. Pallav Palit, learned counsel, enters appearance on behalf of the respondent. He states that apart from the reply dated 14.04.2023, further correspondence was also exchanged between the parties, which has not been placed on record.

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Although he does not dispute the existence of arbitration clause, Mr. Palit submits that the disputes between the parties are capable of resolution in mediation.

3. Learned counsel for the petitioner also has no objection to a reference to mediation.

4. With the consent of learned counsel for the parties, the petition is, therefore, 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 05.03.2024.
- c. In the event the mediation proceedings are unsuccessful, the disputes between the parties will be adjudicated by 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.
- d. The arbitration proceedings will be governed by the Rules of DIAC, including as to remuneration of the learned Arbitrator.
- e. The learned Arbitrator is requested to furnish a declaration under Section 12 of the Act, prior to entering upon the reference.
- f. In order to give the parties an opportunity to settle their disputes in mediation, DIAC is requested to defer the arbitration proceedings for four weeks from today. After the said four weeks, DIAC may proceed with the arbitration proceedings at



the request of either of the parties.

MARCH 1, 2024
ssc/

PRATEEK JALAN, J