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

+ **ARB.P. 644/2025**

NIMBUS PROJECTS LIMITED

.....Petitioner

Through: Mr. Shantwanu Singh, Mr. Shantanu Chandra, Mrs. Pragya Singh, Mr. Akshya Singh, Advocates

versus

M/S NIRVANA HOSPITALITY & ORS.

.....Respondents

Through: Mr. Mohsin Sarwar, Advocate.
(Through VC)

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

22.07.2025

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1. The present petition has been filed by the Petitioner seeking appointment of an Arbitrator under Section 11(6) of the Arbitration and Conciliation Act, 1996 ('Act of 1996') in terms of the arbitration clause [Clause 21.2] contained in the Lease Deed dated 18.07.2025 entered into between the parties ('lease deed').

2. Mr. Mohsin Sarwar, Advocate, enters appearance on behalf of the Respondents. He states that he represents Respondent Nos. 1 to 4.

2.1 He states that he will file his Vakalatnama within one (1) week.

3. He states that there is no dispute with respect to the existence of an arbitration agreement.

4. He accedes to the reference to arbitration and to the appointment of a Sole Arbitrator, without prejudice to the rights and contentions on the merits



of the claim.

5. He states that Respondents request that parties may also be referred to mediation.

6. In response, learned counsel for the petitioner states that he has no objection to the reference to mediation. He, however, prays that the Arbitrator may also be appointed so that in case mediation fails, arbitration proceedings can commence.

7. This Court has considered the submissions of the parties.

8. Since both parties are willing to consider mediation and submit that the present petition may be disposed of with a reference to Delhi International Arbitration Centre ('DIAC'), appropriate directions are being issued in this order.

9. With the consent of the parties, the matter is hereby referred to the Delhi High Court Mediation and Conciliation Centre ['SAMADHAN'] on 01.08.2025 at 03:30 PM.

10. It is directed that the Ld. Mediator will conclude the mediation proceedings within two (2) weeks. The report of the Ld. Mediator with respect to the conclusion, will be sent to the learned Sole Arbitrator appointed by this Court as well as to the coordinator of DIAC on or before 12.08.2025.

11. In the facts of this case, it is admitted by the parties that there exists a valid arbitration agreement and thus, the parties are hereby referred to arbitration, to be held under the aegis of DIAC with the following directions:

- a) Mr. Arjun Harkauli, Advocate [Enrl. No. D-1115/2003; M. No. 9818072418 e-mail I.D. arjunharkauli@ahchambers.com is appointed as the Sole Arbitrator to adjudicate the disputes between the parties.



- b) The Sole Arbitrator is requested to however, enter reference on or after 25.08.2025, after the report of the Ld. Mediator has been received.
- c) The arbitration will be held under the aegis of the DIAC and governed by its rules.
- d) The remuneration of the learned Sole Arbitrator shall be in terms of Schedule IV of the Act of 1996 as amended by DIAC Rules.
- e) The learned Sole Arbitrator is requested to furnish a declaration in terms of Section 12 of the Act of 1996 before entering into the reference.
- f) In case the mediation fails, the Petitioner shall file its statement of claim within four (4) weeks as per the rules of DIAC. The Respondent will be at liberty to file its statement of defence and counter claims within four (4) weeks thereafter.
- g) It is made clear that all the rights and contentions of the parties, including as to the arbitrability of any of the claims/counter-claims, and/or counter claims, any other preliminary objection, as well as claims on merits of the dispute of either of the parties, are left open for adjudication by the learned arbitrator.

12. In case the mediation proceedings fail, the parties will appear before the learned Sole Arbitrator for a preliminary hearing on **27.08.2025 at 10:30 A.M. at DIAC.**

13. Since the first date of hearing before the learned Sole Arbitrator has been fixed in this order, no fresh notice to be issued to either of the parties by DIAC.

14. Learned counsel for the respondent is directed to ensure that the current correspondence addresses, e-mail and mobile numbers of all Respondent Nos. 1 to 4 are filed with the Registry of this Court within one (1) week.

15. With the aforesaid direction, the petition stands disposed of.

16. The registry is directed to send a copy of this order to organizing



Secretary, Mediation Centre Secretary, DIAC and the learned Sole Arbitrator.

17. The digitally signed copy of this order, duly uploaded on the official website of the Delhi High Court, www.delhihighcourt.nic.in, shall be treated as a certified copy of the order for the purpose of ensuring compliance. No physical copy of order shall be insisted by any authority/entity or litigant.

MANMEET PRITAM SINGH ARORA, J

JULY 22, 2025/tk/AM