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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **ARB.P. 1411/2022**

LAXMI REMOTE INDIA PVT LTDPetitioner
Through: **Mr. Anmol Chahda, Advocate.**

versus

HCI TECHNOCRATES & ORS.Respondents
Through: **Mr. Akash S. Kukreja, Advocate for**
R-1, 2 and 4.

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER
12.02.2025

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1. By way of present petition filed under Section 11 of the Arbitration and Conciliation Act, 1996 (hereinafter, referred to as the 'A&C Act'), the petitioner seeks constitution of an Arbitral Tribunal comprising of a Sole Arbitrator, to adjudicate upon the disputes between the parties.
2. Learned counsel for the petitioner submits that the petitioner and respondent No.1/partnership firm entered into a Software Development Agreement dated 20.12.2012, Clause 8.4 of which provides that disputes with respect to the Agreement shall be resolved through arbitration. It further provides for the place of arbitration to be New Delhi.
3. Disputes having arisen between the parties, petitioner invoked arbitration vide notice dated 25.07.2022, issued under Section 21 of the A&C Act.
4. Present none for respondent Nos. 3 and 5. It is noted that vide order dated 14.11.2024, the right to file reply of respondent Nos. 3 and 5 was



closed.

5. Learned counsel for respondent Nos. 1, 2 and 4 submits that without prejudice to their rights and contentions, the answering respondents are agreeable to exploring the possibility of an amicable settlement. Accordingly, it is prayed that the matter be referred to mediation in the first instance.

5. Learned counsel for the petitioner also accedes to the above proposal.

6. At this stage, learned counsel for the petitioner prays that in case of failure to arrive at an amicable settlement between the parties within four weeks, the matter may be referred to arbitration.

7. Learned counsel for respondent Nos. 1, 2 and 4, on instructions, fairly submits that the respondent has no objection to the matter being referred to the Arbitral Tribunal comprising of a Sole Arbitrator, in case of failure to reach an amicable settlement.

8. In light of the above submissions, list the matter before *Samadhan*, Delhi High Court Mediation & Conciliation Centre on 21.02.2025.

9. In case, no settlement is arrived at between the parties within a period of four weeks, the matter shall stand referred to the arbitration. In view of the above, the present petition is disposed of with the following directions:

i) The disputes between the parties under the said agreement will stand referred to the DIAC if parties are unable to reach an amicable settlement within 4 weeks from the date of hearing before *Samadhan*, Delhi High Court Mediation & Conciliation Centre.

ii) Accordingly, DIAC shall nominate the Sole Arbitrator to adjudicate the disputes between the parties.

iii) The arbitration will be held under the aegis of the Delhi International



Arbitration Centre, Delhi High Court, Sher Shah Road, New Delhi hereinafter, referred to as the 'DIAC'). The remuneration of the learned Arbitrator shall be in terms of DIAC (Administrative Cost and Arbitrators' Fees) Rules, 2018 or as the parties may agree.

iv) The learned Arbitrator shall furnish a declaration in terms of Section 12 of the Act prior to entering into the reference.

v) It is made clear that all the rights and contentions of the parties, including on the existence and validity of the Arbitration agreement, arbitrability of any of the claim/counter claim, any other preliminary objection, need and legality of interim relief, as well as contentions on merits of the dispute by either of the parties including of limitation, are left open for adjudication by the learned arbitrator.

vi) The parties shall approach the learned arbitrator within two weeks thereafter, in case of failure to reach an amicable settlement within 4 weeks.

MANOJ KUMAR OHRI, J

FEBRUARY 12, 2025

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