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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **ARB.P. 1696/2024**

RED CEE CONSTRUCTION PRIVATE LIMITED.....Petitioner
Through: **Mr. Dhanesh Relan and Mr.**
Divyanshu Bhandari, Advocates.

versus

VXL REALTORS PRIVATE LIMITEDRespondent
Through: **Mr. Rajendra Singhvi and Ms.**
Arundhati Chakraborty, Advocates.

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

% **19.02.2025**

1. By way of present petition filed under Section 11(6) 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 the disputes between the parties.
2. Learned counsel for the petitioner submits that the parties had entered into Agreements dated 25.10.2010, 22.03.2011 and 04.10.2011, Clause 45 of Agreement dated 25.10.2010 provides that disputes with respect to the said agreement shall be resolved through arbitration as per provisions of A&C Act. It further provides that place of arbitration would be at New Delhi.
3. Learned counsel for the respondent enters appearance on behalf of the respondent and, on instructions, submits that he has no objection to the reference of disputes to the Arbitral Tribunal comprising of a Sole Arbitrator, however, prays that at the first instance, the parties be referred to



the mediation to explore the possibility of an amicable settlement.

4. Learned counsel for the petitioner also accedes to the aforesaid request of the respondent. He further prays that a Senior Mediation be appointed in the present matter.

5. In light of the above submissions, list the matter before *Samadhan*, Delhi High Court Mediation & Conciliation Centre on 27.02.2025. As prayed by the parties, Ld. Organising Secretary, *Samadhan* is requested to appoint a Senior Mediator in the matter.

6. In case, no settlement is arrived at between the parties within a period of six 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 Arbitral Tribunal.
- ii) Mr. Shashank Garg, Senior Advocate (Mob. 9811526671) is appointed as 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 6 weeks.

vii) The respondent would be at liberty to file its counter claim as well as objection on the aspect of existence or validity of the Agreement.

MANOJ KUMAR OHRI, J

FEBRUARY 19, 2025

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