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

+ **ARB.P. 1752/2024**

MR. RADHANATH BEHERA

.....Petitioner

Through: Mr. Sujeet Ranjan and Ms. Astha
Deep, Advocates.

versus

MADHYAM LAND TRADE INDIA LLP & ORS.....Respondents

Through: Mr. Naresh Kumar and Mr. Siddhant
Katyal, Advocates for respondent
nos.1,2 and 3.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

% **17.02.2025**

I.A. 44473/2024 (delay of 29 days in refilling)

1. By way of the present application, the petitioner seeks condonation of delay of 17 days in re-filing the petition.
2. For the reasons stated in the application, it is allowed and the delay of 29 days condoned.
3. The application is disposed of.

ARB.P. 1752/2024

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 an Agreement dated 03.02.2016, Clause 9 of which provides that disputes with respect to the Agreement shall be resolved through arbitration. It further provides that place of arbitration shall be at New Delhi.
3. Disputes having arisen between the parties, the petitioner invoked



arbitration vide notice dated 07.06.2024, issued to the respondents under Section 21 of the A&C Act.

4. Learned counsel appearing for the respondent, on instructions, submits that the respondent has no objection to the matter being referred to the Arbitral Tribunal comprising of a Sole Arbitrator.

5. At this stage, learned counsel for the petitioner submits that at the first instance, the parties be referred to the mediation to explore the possibility of an amicable settlement.

6. Learned counsel for the respondent, without prejudice to its rights and contentions, accedes to the request of the petitioner.

7. Accordingly, list before the *Samadhan*, Delhi High Court Mediation & Conciliation Centre on 27.02.2025. 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 are referred to the DIAC.
- 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 A&C 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, are left open for adjudication by the learned arbitrator.
- vi) The parties shall approach the learned Arbitrator within two weeks thereafter.

MANOJ KUMAR OHRI, J

FEBRUARY 17, 2025/rd