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

\# **CNR No. DLHC010055222026**

\+ ARB.P. 310/2026

OCUS SKYSCRAPERS REALTY PRIVATE LIMITED .....Petitioner

Through: Mr. Lokesh Bhola and Mr. Rukun Vadehra, Advocates.

versus

M/S THE MONTANA GROUP .....Respondent

Through: Mr. Prabhat Kumar, Mr. Karan Dang, Ms. Shreya Chopra and Mr. Siddharth Pandey, Advocates.

CORAM:
HON'BLE MR. JUSTICE PRATEEK JALAN

O R D E R

% 09.10.2026

I.A. 4275/2026 (*for exemption*)

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

ARB.P. 310/2026

1. The petitioner has approached this Court under Section 11(6) of the Arbitration and Conciliation Act, 1996 ["the Act"], for appointment of an arbitrator to adjudicate disputes between the parties under a Lease Deed dated 12.06.2023.

2. The Lease Deed contains an arbitration clause [Clause 44], which provides for resolution of disputes arising thereunder by a sole arbitrator,

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to be appointed by the Lessor – petitioner herein. Gurugram, Haryana / New Delhi has been designated as the place of arbitration, and Courts in Delhi have been vested with jurisdiction [Clause 47].

3. Disputes having arisen between the parties, the petitioner invoked arbitration *vide* a legal notice dated 12.11.2025, which failed to elicit a response. The petitioner has, therefore, approached this Court under Section 11 of the Act.

4. Mr. Prabhat Kumar, learned counsel, enters appearance on behalf of the respondent, and does not object to the reference. However, he seeks an opportunity to resolve the disputes by way of mediation. Mr. Lokesh Bhola, learned counsel for the petitioner, does not object to the same.

5. In view of the aforesaid, I am of the view that the appropriate course of action is to refer the parties to mediation, while also appointing an arbitrator, who may adjudicate the disputes in the event the mediation proceedings are unsuccessful.

6. Having regard to the above, the petition is disposed of with the following directions, with the consent of learned counsel for the parties:

a. The parties are referred to mediation under the aegis of *Samadhan*, Delhi High Court Mediation and Conciliation Centre, Shershah Road, New Delhi – 110503. They will appear before the learned Mediator on 28.10.2026.

b. In the event the mediation proceedings are unsuccessful, the disputes between the parties will be adjudicated by arbitration of Mr. Nikhil Singhvi, Advocate [Tel: 88265-34335/88261-30600].

c. The arbitration proceedings will be held under the aegis of the

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Delhi International Arbitration Centre ["DIAC"], and will be governed by the Rules of DIAC, including as to remuneration of the learned Arbitrator.

d. DIAC is requested to keep the proceedings in abeyance for a period of eight weeks from today to enable the parties to attempt an amicable settlement. If the disputes are not settled in mediation, either party may approach DIAC after the expiry of eight weeks, and the sole arbitrator may enter upon the reference at that stage.

e. The learned Arbitrator is requested to furnish a declaration under Section 12 of the Act, prior to entering upon the reference.

7. The petition stands disposed of.

PRATEEK JALAN, J

OCTOBER 9, 2026
'PV'/KA/

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