$~65

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

\# **CNR No. DLHC010089102026**

\+ ARB.P. 416/2026 & I.A. 6458/2026

ATRIUM HEART CENTRE .....Petitioner

Through: Mr. Sourabh Saini, Advocate.

versus

CLEARMEDI HEALTHCARE PRIVATE LIMITED .....Respondent

Through: Mr. Atulya Sharma, Ms. Shilpi Rani, Mr. Puneet Bhatnagar, Advocates.

CORAM:
HON'BLE MR. JUSTICE PRATEEK JALAN

O R D E R

% 12.10.2026

1. By way of the present petition, under Section 11 of the Arbitration and Conciliation Act, 1996, the petitioner seeks appointment of an arbitrator to adjudicate disputes between the parties under the Cath Lab Facility Agreement dated 08.05.2024 ["Agreement"].

2. Further to the order dated 19.08.2026, Mr. Atulya Sharma, learned counsel for the respondent, enters appearance, and submits that the respondent does not wish to file a reply to the petition, and has no objection to the appointment of an arbitrator.

3. The Agreement contains an arbitration clause [Clause 10], which provides for resolution of disputes through arbitration by a sole arbitrator. The Courts in New Delhi have also been vested with exclusive

This is a digitally signed order.
The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.
The Order is downloaded from the DHC Server on 15/10/2026 at 11:09:20

jurisdiction under the Agreement.

4. The petitioner invoked arbitration by a communication dated 16.01.2026, however it failed to elicit a response, which has led to the filing of the present petition.

5. Mr. Sharma does not contest the petition. However, learned counsel for the parties request that they be given an opportunity to attempt a settlement through mediation.

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

a. The disputes between the parties are referred to mediation under the aegis of *Samadhan*, Delhi High Court Mediation and Conciliation Centre, Sher Shah Road, New Delhi-110503. The parties shall appear before the Mediator on 28.10.2026.

b. In the event the mediation proceedings are unsuccessful, the disputes between the parties will be adjudicated by arbitration under the aegis of Delhi International Arbitration Centre, Delhi High Court, Sher Shah Road, New Delhi ["DIAC"]. DIAC is requested to nominate an Arbitrator from its panel.

c. The arbitration proceedings will be governed by the Rules of DIAC, including as to remuneration of the learned Arbitrator.

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

e. DIAC is requested to defer the proceedings for a period of eight weeks from today, to enable the parties to settle their disputes through mediation. In the event the parties jointly request for a further deference, DIAC may act in accordance with such a

This is a digitally signed order.
The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.
The Order is downloaded from the DHC Server on 15/10/2026 at 11:09:20

request. The arbitration may otherwise commence, at the request of either party, after a lapse of eight weeks from today.

7. All rights and contentions of the parties, including the question of arbitrability, are left open for adjudication by the learned Arbitrator. The merits of the disputes, including effect of any subsequent agreements entered into between the parties, will also be considered by the learned Arbitrator. It is made clear that this Court has made no comment thereupon.

8. The petition, alongwith pending application, stands disposed of with the aforesaid directions.

PRATEEK JALAN, J

OCTOBER 12, 2026
"B"/SM/

This is a digitally signed order.
The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.
The Order is downloaded from the DHC Server on 15/10/2026 at 11:09:20