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

\# **CNR No. DLHC010184532026**

\+ ARB.P. 776/2026

HIMLAND REAL ESTATE PRIVATE LIMITED .....Petitioner

Through: Mr. Harish Malik and Mr. Aadarsh Kothari, Advocates.

versus

MR MEGHRAJ GARG & ANR. .....Respondents

Through: Mr. Manik Sethi, Advocate for R1. [M:-8894474098]

Mr. Shivam Prashar, Advocate for R2.

CORAM:
HON'BLE MR. JUSTICE PRATEEK JALAN

O R D E R

% 02.11.2026

I.A. 11969/2026 (*for exemption*)

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

I.A. 11970/2026 (*for permission to file lengthy synopsis and list of dates*)

By way of this application, the applicant – petitioner seeks permission to file lengthy list of dates and synopsis.

For the reasons stated therein, the application is allowed, and the Registry is directed to take on record the list of dates and synopsis filed by the petitioner.

The application stands disposed of.

ARB.P. 776/2026

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

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under a Memorandum of Understanding dated 22.04.2025 [hereinafter, "the MoU"].

2. The parties to the MoU are the petitioner – Company and one of its directors, by the name of Dhiraj Singh, on the one hand, and the respondents herein, on the other hand.

3. The MoU contains an arbitration clause [Clause 24] which provides for adjudication of disputes by a sole Arbitrator, with Delhi having been designated as the seat and venue of arbitration.

4. Disputes having arisen between the parties, learned counsel for the petitioner addressed a legal notice dated 16.03.2026 upon the respondents, alleging breach of the MoU and invoking arbitration.

5. No reply was received to the aforesaid notice, which has led to the filing of the present petition.

6. Notice was issued in this petition on 29.04.2026. Mr. Manik Sethi, learned counsel, enters appearance on behalf of respondent No. 1, and Mr. Shivam Prashar, learned counsel, enters appearance on behalf of respondent No. 2.

7. By order dated 20.08.2026, the parties were referred to mediation. I am informed that the mediation proceedings remain in progress, and parties require a further period of approximately three months to conclude the same. However, learned counsel for the respondents do not dispute the existence of the arbitration clause or the invocation thereof.

8. Having regard to the above, I am of the view that the appropriate course in the present case is to appoint an Arbitrator, and request the learned Arbitrator to defer the reference to enable the parties to enter into a settlement, if possible.

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9. Consequently, the petition is disposed of with the following directions:

a. In the event the mediation proceedings are unsuccessful, the disputes between the parties under the MoU will be adjudicated by arbitration under the aegis of the Delhi International Arbitration Centre [“DIAC”].

b. DIAC is requested to nominate an Arbitrator from its panel.

c. The arbitration will be conducted under the Rules of the DIAC, including as to the remuneration of the learned Arbitrator.

d. DIAC is requested to keep the proceedings in abeyance for a period of three months from today to enable the parties to make an effort at mediation. If the disputes are not settled in mediation, either party may approach DIAC upon expiry of the three-month period, whereupon DIAC will appoint an Arbitrator, who will enter upon the reference at that stage. Conversely, if the parties jointly seek an extension of time to conclude the mediation proceedings, DIAC may further defer the reference.

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

10. The petition stands disposed of with the aforesaid directions.

11. Needless to say, in the event the mediation proceedings are unsuccessful, all rights and contentions of the parties, including as to the arbitrability and maintainability of the claims and on merits, are left open for adjudication by the learned Arbitrator.

PRATEEK JALAN, J

NOVEMBER 2, 2026/‘*pv*’/KA/

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