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

\# **CNR No. DLHC010188652026**

\+ ARB.P. 784/2026

JINDAL ITF LIMITED .....Petitioner

Through: Mr. Sanchari Chakroborty, Mr. Devanshu Lahiry, Mr. Rishabh Mishra & Ms. Avishikta Biswas, Advocates.

versus

OCEAN WHALE SHIPPING SERVICES PRIVATE LIMITED .....Respondent

Through: Ms. Kumari Archana, Advocate.

CORAM:
HON'BLE MR. JUSTICE PRATEEK JALAN

O R D E R

% 27.10.2026

1. The petitioner has approached this Court under Section 11(6) of the Arbitration and Conciliation Act, 1996 [hereinafter, "the Act"], seeking the appointment of an arbitrator to adjudicate the disputes arising between the parties out of the Charterparty Agreements dated 19.10.2019, 02.06.2021, 07.10.2021, 24.03.2022 and 01.10.2023, along with the addenda thereto [hereinafter, collectively, "the Agreements"].

2. Clause 38 of the Agreements provides for resolution of disputes through arbitration, with New Delhi as the seat and venue of arbitration, and contemplates the constitution of a three-member arbitral tribunal. Disputes having arisen between the parties, the petitioner issued a demand notice dated 09.08.2023 and subsequently invoked arbitration *vide* notice dated 25.02.2026. The respondent replied to the said notice through counsel on 24.03.2026. However, as the respondent failed to nominate an arbitrator, the petitioner has approached this Court by way of

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the present petition.

3. Despite opportunities granted *vide* orders dated 26.05.2026 and 31.08.2026, the respondent has not filed a reply to the present petition. Accordingly, neither the existence of the arbitration agreement nor its invocation stands controverted on record.

4. During the course of hearing, Ms. Kumari Archana, learned counsel for the respondent, does not object to the reference of the disputes to arbitration but seeks an opportunity for the parties to explore an amicable resolution through mediation. Mr. Devanshu Lahiry, learned counsel for the petitioner, does not object to the said request.

5. Learned counsel for the parties further submit that, notwithstanding the provision for a three-member arbitral tribunal under the Agreements, they consent to the appointment of a sole arbitrator to adjudicate the disputes.

6. In view of the consensus between the parties, I consider it appropriate to afford them an opportunity to resolve their disputes through mediation, while providing for reference to arbitration in the event that the mediation proceedings do not result in a settlement.

7. Accordingly, with the consent of learned counsel for the parties, the petition is disposed of with the following directions:

a) The parties are referred to mediation under the aegis of *Samadhan*, Delhi High Court Mediation and Conciliation Centre, Shershah Road, New Delhi – 110503. The parties shall appear before the learned Mediator on 30.10.2026.

b) In the event that the disputes are not resolved through mediation within the aforesaid period, Ms. Chand Chopra,

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Advocate [Tel: 9915907494], is appointed as the sole arbitrator to adjudicate the disputes between the parties.

c) The arbitration proceedings, if required, shall be conducted in accordance with the Rules of Delhi International Arbitration Centre ["DIAC"], including those governing the remuneration of the learned Arbitrator.

d) The learned Arbitrator is requested to furnish a declaration in terms of Section 12 of the Act before entering upon the reference.

e) DIAC is requested to keep the appointment of the learned Arbitrator in abeyance for a period of eight weeks from the date of this order, to enable the parties to explore the possibility of an amicable settlement through mediation.

f) In the event that the parties jointly seek an extension of time to pursue mediation, DIAC may consider such request in accordance with its Rules.

8. Needless to state, this Court has not expressed any opinion on the merits of the disputes between the parties. In the event that the mediation proceedings are unsuccessful, all rights and contentions of the parties, including those concerning the arbitrability and maintainability of the claims, as well as the merits thereof, are left open for consideration by the learned Arbitrator.

9. The petition, alongwith pending applications, stands disposed of in the aforesaid terms.

PRATEEK JALAN, J

OCTOBER 27, 2026/*'pv'*/SD/

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