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

+ ARB.P. 557/2018

PARAS MAGU

..... Petitioner

Through: Mr. Urfee Haider, Advocate.

versus

IITL-NIMBUS THE EXPRESS PARK VIEW &

ANR.

..... Respondents

Through: Mr. Kaustubh Bhardwaj, Advocate.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

O R D E R

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28.02.2019

1. Mr. Kaustubh Bhardwaj, who, appears for the respondents, says that he has no objection if parties are in the first instance referred to the Delhi High Court Mediation and Conciliation Centre (in short “Centre”) to attempt a negotiated settlement.

2. On the other hand, counsel for the petitioner says that while the petitioner would have no difficulty in being referred to the Centre for mediation, however, in order to hasten the resolution of disputes the Court could provide that if mediation were to fail, parties could appear before an independent Arbitrator appointed by this Court.

3. I may put on record that there is no dispute between the parties that there is an Arbitration Agreement obtaining between them.

4. The only concern of the counsel for the respondents is that they should in the first instance attempt a settlement.

5. In view of the above, the petition is disposed of with the following directions:-

5.1 Parties and their counsel will appear before the Mediator appointed by the Centre on 15.03.2019 at 3:00 pm.

5.2 In case parties are not able to reach a settlement, they shall appear before Mr. Dal Chand Anand, Former ADJ, Delhi (M: 9910384644) who, is appointed as an Arbitrator in the matter.

5.3 The learned Arbitrator, however, will not enter upon reference till 15.05.2019.

5.4 In case parties require further time for mediation, they will make a joint request to the learned Arbitrator. At that stage, the learned Arbitrator will assess the situation and if necessary, delay his entering upon reference for a period as he may deem fit, *albeit*, in consultation with the parties.

5.5 The learned Arbitrator will be paid his fee in accordance with the provisions of the Fourth Schedule appended to the Arbitration and Conciliation Act, 1996 (in short “the 1996 Act”).

6. Needless to say, before entering upon reference, the learned Arbitrator will file his declaration under Section 12(5) read with other attendant provisions of the 1996 Act.

RAJIV SHAKDHER, J.

FEBRUARY 28, 2019

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