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

\# **CNR No. DLHC010173182026**

\+ ARB.P. 739/2026

R. K JAIN AND SONS HOSPITALITY SERVICES PRIVATE LIMITED .....Petitioner

Through: Mr. Mayank Jain and Ms. Chetna, Advocates.

versus

GOVT OF NCT OF DELHI (GNCTD) THROUGH PUBLIC WORKS DEPARTMENT .....Respondent

Through: Mr. Anurag Nasiar and Mr. Paripoorn Singh, Advocates.

CORAM:
HON'BLE MR. JUSTICE PRATEEK JALAN

O R D E R

% 14.10.2026

I.A. 11221/2026 (*for exemption*)

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

ARB.P. 739/2026

1. By way of this petition under Section 11(6) of the Arbitration and Conciliation Act, 1996 [hereinafter, "the Act"], the petitioner seeks appointment of an Arbitrator to adjudicate disputes arising out of a Letter of Award dated 27.03.2023, for the provision of skilled, semi-skilled, and unskilled staff for day-to-day maintenance at D-II flats, Vasant Kunj, New Delhi.

2. I have heard Mr. Mayank Jain, learned counsel for the petitioner,

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and Mr. Anurag Nasiar, learned counsel for the respondent.

3. The General Conditions of Contract contains a clause for "*Settlement of Disputes by Conciliation and Arbitration*" [Clause 25], which provides for reference of disputes to a Conciliator [Special Director General or Additional Director General concerned with the work]. In the event that the disputes are not resolved through conciliation, they are to be referred to arbitration of a sole Arbitrator or a three-member Tribunal, depending upon the amount of the claim.

4. Disputes having arisen between the parties, the petitioner sought appointment of a Conciliator in terms of Clause 25. Being dissatisfied with the order passed by the Conciliator, the petitioner sought invocation of arbitration *vide* notices dated 22.07.2025 and 29.07.2025. As the Arbitrator was not appointed, the petitioner has approached this Court under Section 11(6) of the Act.

5. Mr. Nasiar does not object to the reference. However, he seeks an opportunity to resolve the disputes by way of mediation. Mr. Jain does not object to the same.

6. 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.

7. 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

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Mediator on 29.10.2026.

b. In the event the mediation proceedings are unsuccessful, the disputes will be adjudicated by a sole Arbitrator, to be appointed by the Delhi International Arbitration Centre [“DIAC”] from its panel.

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

d. DIAC is requested to keep the proceedings in abeyance for a period of four weeks from today to enable the parties to make an effort at mediation. If the disputes are not settled in mediation, either party may approach the DIAC after the expiry of four weeks, and DIAC will appoint an Arbitrator, who will 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.

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

9. 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

OCTOBER 14, 2026
‘PV’/KA/

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