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

\# **CNR No. DLHC010190612026**

\+ ARB.P. 795/2026

SWASTIK PIPES LIMITED .....Petitioner

Through: Mr. Abhay Mahajan, Mr. Ishan Dhamija, Mr. Shivam Malhotra and Mr. Ashit Kapoor, Advocates.

versus

GEPDEC INFRATECH LIMITED .....Respondent

Through: Ms. Akanksha Rai, Advocate.

CORAM:
HON'BLE MR. JUSTICE PRATEEK JALAN

O R D E R

% 14.10.2026

1. By way of this petition under Section 11(6) of the Arbitration and Conciliation Act, 1996 ["the Act"], the petitioner seeks appointment of an arbitrator to adjudicate the disputes between the parties arising out of a Purchase Order dated 27.02.2025.

2. The Purchase Order contains an arbitration clause [Clause 11], which provides for resolution of disputes arising thereunder by a three-member Arbitral Tribunal, with each party nominating one arbitrator and the arbitrators so nominated appointing the third. New Delhi has been designated as the place of arbitration.

3. Disputes having arisen between the parties, the petitioner invoked arbitration *vide* a legal notice dated 02.03.2026. The respondent replied to

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the said notice by email dated 20.03.2026, seeking 15 days' time to resolve the issues. However, the matter could not be resolved. The petitioner has, therefore, approached this Court under Section 11(6) of the Act.

4. Ms. Akanksha Rai, learned counsel, enters appearance on behalf of the respondent, and does not object to the reference. However, she seeks an opportunity to resolve the disputes by way of mediation. Mr. Abhay Mahajan, learned counsel for the petitioner, does not object to the same.

5. 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.

6. Although the Purchase Order provides for the reference of disputes to a three-member Arbitral Tribunal, learned counsel for the parties are *ad-idem* that a Sole Arbitrator be appointed.

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 Mediator on 02.11.2026.

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 governed by the Rules of DIAC, including

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as to remuneration of the learned Arbitrator.

d. DIAC is requested to keep the proceedings in abeyance for a period of eight weeks from today to enable the parties to attempt an amicable settlement. If the disputes are not settled in mediation, either party may approach DIAC after the expiry of eight weeks, and the sole Arbitrator may 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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