



2026:DHC:9060



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

CNR No. DLHC010313262026

+ **O.M.P.(I) (COMM.) 286/2026**

CLIME FINANCE PRIVATE LIMITED Petitioner

Through: Mr. Saurabh Seth, Mr. Omar Ahmed, Mr. Shantanu Aggarwal, Mr. Abhinav Tyagi, Mr. Vineeth Varma Penmetsa, Ms. Aparna Tiwari, Ms. Neelampreet Kaur, Mr. Tuhin Dey, Advs.

versus

NUTRIKOSH INDIA LIMITED & ORS. Respondents

Through: Mr. B. Badrinath, Mr. Dhruv Bhardwaj, Mr. Yashovardhan Rathore, Advs. for R1 to R7.

CORAM:

HON'BLE MR. JUSTICE OM PRAKASH SHUKLA

JUDGMENTORAL)

% **09.10.2026**

1. At the outset, learned Counsel for the Petitioner submits that Respondent Nos. 1 to 7 are parties to the arbitration agreement, whereas remaining Respondents are veritable parties to the dispute.

2. He, therefore, submits that the Petitioner does not wish to press the present petition under Section 9 of the Arbitration and Conciliation Act, 1996¹, qua the remaining Respondents.

3. However, he seeks liberty to file an appropriate application for their impleadment before the learned Arbitrator, if need arises. Leave

Signature Not Verified
¹ "Act" hereinafter

Signed By: ANUBHAW M.P.(I) (COMM.) 286/2026
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and liberty, as prayed for, are granted.

4. Parties are also *ad idem* that the matter may be referred to the Delhi High Court Mediation and Conciliation Centre (*SAMADHAN*) to explore the possibility of an amicable settlement of the disputes between the parties. Learned Counsel for the parties further request that a Senior Mediator be appointed to facilitate the settlement process.

5. Accordingly, with the consent, the matter is referred to the Delhi High Court Mediation and Conciliation Centre (*SAMADHAN*). The Mediation Centre is requested to appoint a Senior Mediator to facilitate the mediation proceedings. The parties are directed to appear before the Mediation Centre, either in person or through their duly authorised representatives, along with their respective counsel, on the date fixed by the Mediation Centre on 15.10.2026.

6. Three weeks' time is granted for exploring the possibility of settlement through mediation.

7. If mediation fails, the parties are also *ad idem* with respect to reference of the disputes to arbitration. There is no dispute with regard to the existence of a valid arbitration agreement between the parties.

8. Parties are also agreeable to waiving the procedure prescribed for the appointment of an arbitrator under the arbitration agreement, as well as the procedure contemplated under the Act.



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9. In the aforesaid circumstances, this Court finds no impediment in appointing a Sole Arbitrator.

10. Accordingly, Mr. Virender Kumar Bansal, Principal District Judge (Retd.) (Mob. No. 9910384709) is appointed as a learned Sole Arbitrator to adjudicate the disputes arisen between the parties. The learned Sole Arbitrator shall enter upon the reference within three weeks from the date of the mediation report recording failure of settlement.

11. The learned Sole Arbitrator will proceed to the arbitration proceedings subject to furnishing requisite disclosures as required under Section 12(2) of the Act within three weeks of entering reference.

12. The arbitration shall be carried under the rules and aegis of Delhi International Arbitration Centre (“DIAC”). The learned Arbitrator shall be entitled to fees as per the Schedule of Fees maintained by the DIAC.

13. It shall be open to the parties to raise all pleas, including objection as to arbitrability and jurisdiction, before the learned Sole Arbitrator who shall decide the same in accordance with law.

14. It is clarified that the observations made herein are only for the purpose of deciding the present petition. The learned Sole Arbitrator shall adjudicate the disputes with claims and counter claims



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independently and on their own merits, uninfluenced by any observations contained in the present order.

15. The Registry is directed to send a receipt of this order to Mr. Virender Kumar Bansal, learned Arbitrator through all permissible modes including email.

16. The present petition under Section 9 shall be treated as Section 17 application before the learned Arbitrator in case mediation fails.

17. Interim orders granted *vide* order dated 21.07.2026 shall continue till the learned Sole Arbitrator considers the matter and passes an appropriate order.

18. Learned Sole Arbitrator is requested to consider the Section 17 application within a period of 30 days from the constitution of the Arbitral Tribunal.

19. Accordingly, the present petition is disposed of in the above terms.

OM PRAKASH SHUKLA, J

OCTOBER 9, 2026/at