



\$~39

* IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of Decision: 04.02.2026

+ O.M.P.(I) (COMM.) 228/2025

INDU DAWARPetitioner

Through: Mr. Mayank Arora, Ms. Vedika Gupta and Mr. Pulkit Dahiya, Advocates.

versus

PRAVEEN KUMAR AND ORS.Respondents

Through: Mr. Sanjiv Sharma, Mr. Mohd. Khalid and Ms. Mansi Bhardwaj Advocates for R-1. Mr. Shantwanu Singh, Advocates for R-2 & R-3.

CORAM:

HON'BLE MR. JUSTICE HARISH VAIDYANATHAN SHANKAR

%

JUDGEMENT (ORAL)

1. The present petition filed under Section 9(1)(ii)(d) and 9(1)(ii)(e) of the Arbitration and Conciliation Act, 1996, [“**the Act**”], *inter alia*, seeks interim injunctions and appointment of a receiver.
2. Learned counsel appearing for the parties on instructions jointly submit that instead of adjudication of this petition on merit by this Court, the present *lis* be referred to arbitration under the aegis of DIAC, and till the time the learned Arbitrator enters into reference, status quo as of today may be maintained.
3. This Court finds the suggestion put forth jointly by the parties to be reasonable, fair and appropriate in the facts and circumstances of



the case.

4. It is noted that learned counsel for the parties are *ad idem* that the disputes between them are governed by the arbitration clause contained in Clause 15 of the New Partnership Deed executed in November 2022, which was entered into in continuation of the earlier Partnership Deed dated 24.11.2021. The parties are also in consensus for the appointment of an arbitrator. For the sake of convenience, the Arbitration clause, being Clause 15 of the New Partnership Deed, is reproduced hereunder:

“15) Any disputes or differences in connection with the partnership or this Deed shall be referred to the Sole Arbitrator to be appointed by the parties mutually and the said Arbitrator shall adjudicate upon the dispute/reference at Delhi. The said Arbitration shall be governed by the provisions of the Arbitration and Conciliation Act, 1996 or any statutory modification or re-enactment thereof for the time being.”

5. In view of such *consensus*, the parties waive the requirement of a formal notice under Section 21 of the Act as well as the necessity of filing a petition under Section 11 of the Act for the appointment of an Arbitrator.

6. Since the parties have mutually consented to the appointment of an Arbitrator, and this Court is also of the view that the commencement of arbitral proceedings should not be unduly delayed, it would be in the interest of justice that an Arbitrator be appointed forthwith.

7. In view of the foregoing, the disputes as arisen between the parties are referred to the Arbitration.

8. Accordingly, **Hon’ble Mr. Justice (Retd.) Ali Mohammad Magrey** (e-mail: [REDACTED] & Mobile No. [REDACTED] [REDACTED] who is empanelled with the Delhi



International Arbitration Centre [“**DIAC**”], is appointed as the sole Arbitrator.

9. The arbitration would take place under the *aegis* of the DIAC and would abide by its rules and regulations. The learned Arbitrator shall be entitled to fees as per the Schedule of Fees maintained by the DIAC.

10. The learned Arbitrator is also requested to file the requisite disclosure under Section 12(2) of the Act within a week of entering the reference.

11. The Registry is directed to send a receipt of this order to the learned arbitrator through all permissible modes, including through e-mail.

12. All rights and contentions of the parties in relation to the claims/counter-claims are kept open, to be decided by the learned Arbitrator on their merits, in accordance with law.

13. Needless to say, nothing in this order shall be construed as an expression of opinion of this Court on the merits of the controversy between the parties.

14. Accordingly, the present petition under Section 9 of the Act shall be treated as an application under Section 17 of the Act, and appropriate directions may be passed by the learned Arbitrator after entering reference.

15. The interim order as of today will continue to operate till the time the learned Arbitrator adjudicates the application under Section 17 of the Act.

16. The parties are at liberty to raise all objections, including with respect to the jurisdiction of the Arbitrator, before the learned Arbitral



2026:DHC:964



Tribunal.

17. Let a copy of this Order be transmitted to the DIAC for necessary information and action.
18. Accordingly, the present petition, along with pending application(s), if any, stands disposed of.

HARISH VAIDYANATHAN SHANKAR, J.

FEBRUARY 04, 2026/tk/kr