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* **IN THE HIGH COURT OF DELHI AT NEW DELHI****Date of decision: 07.04.2026**

+ O.M.P.(I) (COMM.) 27/2026

CAFE BY SOUL PVT LTDPetitioner
Through: Mr. Varun Bajaj, Ms. Shivaarti
Bajaj and Mr. Sanjay Jha,
Advocates.

versus

BABLI SAINI GLOBAL HOSPITALITY PVT LTD
.....Respondent
Through: Mr. Nikhil Fernandes and Mr.
Harshit Goel, Advocates.

CORAM:
HON'BLE MR. JUSTICE HARISH VAIDYANATHAN
SHANKAR

% **JUDGEMENT (ORAL)****HARISH VAIDYANATHAN SHANKAR, J.**

1. The present Petition has been filed under Section 9 of the **Arbitration and Conciliation Act, 1996¹** seeking the following reliefs:

“(a) Pass an order of *ad-interim/interim injunction* directing the Respondent, its directors, officers, agents, representatives and all persons acting for or on its behalf to maintain complete status quo in respect of possession, management, operations and day-to-day functioning of the *Cafe By Soul* outlet, including its branding, signage, interiors, fixtures, fittings, equipment, branded crockery and all other material and operational aspects, at M3M 65th Avenue, Sector-65, Gurugram, and restraining the Respondent from closing, shutting down, discontinuing, suspending, interfering with or in any- manner hampering the operations of the said outlet

¹ Act



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until the final adjudication of the present proceedings or until further orders of this Hon'ble Court.

(b) Restrain the Respondent, its directors, officers, agents and all persons acting on its behalf from altering, removing or tampering with the name, signage, logo, trademarks, trade dress, interiors, fixtures or fittings of the said outlet, or from using any mark identical or deceptively similar to the Petitioner's trademarks;

(c) Restrain the Respondent, its directors, officers, agents and all persons acting on its behalf from using, disclosing, transferring, destroying or misappropriating the Petitioner's intellectual property, confidential information, operational manuals, recipes, POS systems or other proprietary materials;

(d) Direct the Respondent to furnish complete and true disclosure of POS data, daily and monthly sales reports and bank statements of the outlet from the effective date of the Master Franchise Agreement and to continue such disclosure during pendency of the arbitral proceedings;

(e) Direct the Respondent to deposit admitted and/or accrued franchise commissions before this Hon'ble Court or in such manner as may be directed, or in the alternative to furnish adequate security to secure the Petitioner's monetary claims;

(f) Grant ad-interim ex-parte relief in terms of prayers (a) to (g) above in view of the imminent threat of irreparable injury and creation of a fait accompli;

(g) Award costs of the present petition in favour of the Petitioner; and

(h) Pass such other or further order(s) as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.”

2. The present disputes are stated to have arisen out of a **Master Franchise Agreement dated 10.07.2024**², which contains a dispute resolution clause, being clause **16.6** of the Agreement, which is reproduced hereunder for ready reference:

“16.6. Governing Law and Dispute Resolution

² Agreement



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This Agreement shall be governed by and construed in accordance with the laws prevailing in India and be subject to the exclusive jurisdiction of the competent courts of **Delhi**. The Parties shall endeavor to resolve the disputes mutually. In the event, both the parties fail to resolve any disputes mutually, the disputes shall be referred to final and binding arbitration under the provisions of Arbitration and Conciliation Act, 1996. For this purpose, the Parties in dispute shall jointly appoint a sole arbitrator. If the Parties in dispute fail to agree on the sole arbitrator within thirty (30) days, then the sole arbitrator shall be appointed by the High Court of **Delhi**. The place of arbitration shall be at **Delhi** and the language of arbitration shall be English. The arbitration award shall be final and binding upon the Parties.”

3. After advancing some arguments, learned counsel appearing for the parties are *ad idem* that instead of adjudication of the present Petition on merits, the disputes as between the parties be referred to arbitration.

4. Since the parties have mutually consented to adjudication of their disputes by way of Arbitration and to the appointment of a Sole Arbitrator, this Court is of the view that the commencement of arbitral proceedings should not be unduly delayed.

5. Accordingly, in view of the consent of the parties, the requirement of initiation of separate proceedings under Section 11 of the Act is dispensed with.

6. It is stated by the learned counsel for the Petitioner that the value of the claims raised herein is approximately Rs. 2.5 crores, which is controverted by the learned counsel for the Respondent.

7. Nonetheless, in view of the fact that both parties are *ad idem* that the matter be referred to Arbitration, this Court is of the view that a Sole Arbitrator be appointed for the purpose of resolution of disputes between the parties.

8. Accordingly, this Court hereby requests **Ms. Zeba Khair, Advocate (Mobile No. 9810602612)**, to enter upon the reference and



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adjudicate the disputes *inter se* the parties.

9. The learned Sole Arbitrator may proceed with the arbitration proceedings, subject to furnishing to the parties the requisite disclosures as required under Section 12(2) of the Act within a week of entering the reference.

10. The Registry is directed to forward a copy of this order to the Respondent through all permissible modes, including electronic means. The Petitioner shall also take steps to serve a copy of this order upon the Respondents.

11. The parties shall share the learned Arbitrator's fee and arbitral costs equally.

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

13. 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 upon the reference.

14. Needless to state, nothing in this order shall be construed as an expression of opinion of this Court on the merits of the controversy.

15. Accordingly, the present Petition, along with pending Application(s), if any, stands disposed of in the aforesaid terms.

HARISH VAIDYANATHAN SHANKAR, J.
APRIL 07, 2026/nd/kr/sg