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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**# **CNR No. DLHC010400512026**+ **ARB.P. 1531/2026****SHEELA DEVI**

.....Petitioner

Through: **Mr. Sanjay Kumar and Ms. Pragya, Advs.**

versus

SANDEEP KUMAR

.....Respondent

Through: **Mr. Gourav Garg and Mr. Sachin Malik, Advs.****CORAM:****HON'BLE MR. JUSTICE OM PRAKASH SHUKLA****ORDER(ORAL)****01.10.2026**

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1. Mr. Gourav Garg, learned Counsel appears on behalf of the Respondent on advance notice and submits that he has no objection to the appointment of Arbitrator. However, he prays that the liberty should be given to raise the preliminary objection regarding limitation.

2. It is well settled that while exercising jurisdiction under Section 11 of the Act, the scope of enquiry is confined to examining the *prima facie* existence of an arbitration agreement¹.

3. In the present case, the Petitioner seeks to invoke arbitration in terms of Clause 12 contained in the Agreement to Sell and Purchase, as follows:

¹ In Re: Interplay Between Arbitration Agreements under Arbitration and Conciliation Act, 1996 and Stamp Act, 1899, **2023 SCC OnLine SC 1666**



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“12. That in case any dispute arises between the parties regarding the sale of the said property in future, then both parties shall mutually appoint an ARBITRATOR, who will decide the disputed matter, whose decision shall be final and binding on both the parties as per provision of Indian Arbitration Act.”

4. In view of the above, this Court is of the *prima facie* view that an arbitration agreement exists between the parties herein.

5. Further, both the parties are *ad idem* with respect to reference of dispute to arbitration, subject to preliminary objection raised by the Respondent.

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

7. Accordingly, Mr. Sarvan Kumar, Advocate, (Mob. No. 9810763691) 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 today.

8. 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.

9. 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



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maintained by the DIAC.

10. It shall be open to the parties to raise preliminary objections with respect to *inter alia*, arbitrability, jurisdiction, limitation, if any, before the learned Sole Arbitrator who shall decide the same in accordance with law.

11. It is clarified that the observations made herein are only for the purpose of deciding the present petition under Section 11(6) of the Act. The learned Sole Arbitrator shall adjudicate the disputes with claims and counter claims independently and on their own merits, uninfluenced by any observations contained in the present order.

12. The Registry is directed to send a receipt of this order to Mr. Sarvan Kumar, Advocate, learned Arbitrator through all permissible modes including email.

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

OM PRAKASH SHUKLA, J

OCTOBER 1, 2026/gunn

