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

\# **CNR No. DLHC010431592026**

\+ ARB.P. 1632/2026 & I.A. 24940/2026

GENERAL MANAGER NORTHERN RAILWAY & ORS.
.....Petitioner

Through: Mr. Syed Abdul Haseeb, CGSC with Mr. Muhammad Aamir Khan and Ms. Amama Waseem, Advocates.

versus

SULTAN ALAM
.....Respondent

Through: Mr. Anupam Dwivedi, Advocate.

CORAM:
HON'BLE MR. JUSTICE OM PRAKASH SHUKLA

JUDGMENT(ORAL)

% 04.11.2026

1. Mr. Anupam Dwivedi, learned Counsel appears for the Respondent and submits that he has no objection to the appointment of the Arbitrator.

2. It is well settled that, while exercising jurisdiction under Section 11 of the Arbitration and Conciliation Act, 1996[1], the scope of enquiry is confined to examining the *prima facie* existence of an arbitration agreement[2].

3. In the present case, there is no dispute with regard to the existence of a valid arbitration clause between the parties, which reads

[1] "Act" hereinafter

[2] **SBI General Insurance Co. Ltd. v. Krish Spinning 2024 SCC OnLine SC 1754**

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as follows:

> *"39. All questions disputes and/ or difference arising under or in connection with this agreement of in any way touching of relating to or concerning the construction, meaning or effect of the so persons (except as to matters the decision whereof is otherwise herein before expressly provided for) shall be referred to the sole arbitration of the General Manager, Northern Railway, for the time being, or in case his designation is changed or his office is abolished to the sole arbitration or the officer who for the time being is entrusted whether or not in addition to other function, with the functions of the General Manager, Northern Railway, by whatever designation such officer may be called (hereinafter ref erred to as the said officer) and if the General Manager for the time being of the Northern Railway or the said officer is unable or unwilling to act, to the sole arbitration of some other person appointed by the General Manager of the said officer, It will be no objection, to any such appointment, that the arbitrator so appointed as a Government Servant that he had to deal with the matters to which this agreement relates and that in the course of his duties as such Government Servant he has expressed view on all or any of the matters in dispute or difference. The award of the arbitrator so appointed shall be final and binding on the parties hereto."*

4. The claimed amount is stated to be Rs.6,61,630/- approx.

5. Further, the parties are *ad idem* with respect to the reference of the disputes to arbitration. In the aforesaid circumstances, this Court finds no impediment in appointing a Sole Arbitrator.

6. Accordingly, Ms. Harshita Choubey, Advocate (Mob. No.9999776655) 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 two weeks from today.

7. The learned Sole Arbitrator will proceed to the arbitration

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proceedings subject to furnishing requisite disclosures as required under Section 12(2) of the Act within two weeks of entering reference.

8. 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.

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

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

11. The Registry is directed to send a receipt of this order to Ms. Harshita Choubey, learned Arbitrator through all permissible modes including email.

12. Accordingly, the present petition is disposed of in the above terms. Pending application(s), if any, also stand disposed of.

OM PRAKASH SHUKLA, J

NOVEMBER 4, 2026/pa

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