



2026:DHC:8930



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
CNR No. DLHC011088842025
+ **ARB.P. 123/2026**
SUSHIL KUMARPetitioner

Through: Mr. Ajay Veer Singh, Adv.
versus

**INDIA GRAPHENE ENGINEERING AND INNOVATION
CENTRE**Respondent
Through: Mr. Gi Gi George and Mr.
Rachit Soni, Advs.

CORAM:
HON'BLE MR. JUSTICE OM PRAKASH SHUKLA

JUDGMENT(ORAL)

% **07.10.2026**

1. The present petition is filed under Section 11 of the Arbitration and Conciliation Act of 1996¹ seeking appointment of Sole Arbitrator for resolution of disputes arising between the parties herein.

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 agreement.

3. In the present case, the arbitration agreement is contained in Clause 11 of the Appointment Letter dated 07.06.2024, which is reproduced as follows:

“11 GOVERNING LAW AND JURISDICTION

This Agreement shall be governed and construed in accordance with the laws of India in relation to any legal action or

¹ “Act” hereinafter



2026:DHC:8930



proceedings to enforce this Agreement Subject to arbitration, the Parties irrevocably submit to the exclusive jurisdiction of any competent courts situated at New Delhi and waive any objection to such proceedings on grounds of venue or on the grounds that the proceedings have been brought in an Inconvenient forum”.

4. Accordingly, there is no dispute with regard to the existence of a valid arbitration clause between the parties.

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

6. Accordingly, Ms. Vaishali Gupta, Advocate (Mob. No. 8383031929) 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.

7. 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.

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 but not limited to objections as to arbitrability, jurisdiction and limitation, before the learned Sole Arbitrator who shall decide the same in



2026:DHC:8930



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 with claims and counter claims 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. Vaishali Gupta, learned Arbitrator through all permissible modes including email.

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

OM PRAKASH SHUKLA, J

OCTOBER 7, 2026/at

