



2026:DHC:9343



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

CNR No. DLHC010176472026

+ **ARB.P. 761/2026**

GVPL TECHNOLOGIES PRIVATE LIMITED Petitioner

**Through: Mr. Dinesh Jotwani, Mr. Harsh
Kumar & Ms. Disha Aneja,
Advs.**

versus

CREATECOMM TECH PRIVATE LIMITED Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE OM PRAKASH SHUKLA

JUDGMENT(ORAL)

% 16.10.2026

1. The instant petition is filed under Section 11 of the Arbitration and Conciliation Act of 1996¹ for resolution of disputes arising out of Product Development Agreement dated 28.03.2023 and 21.02.2024.

2. The Petitioner is aggrieved by the alleged non-payment by the Respondent.

3. Notice was issued on 28.04.2026. However, none has put in appearance on behalf of the Respondent nor any reply has been filed.

4. It further appears that service is sufficient as per the affidavit of service filed by learned Counsel for the Petitioner.

¹ "Act" hereinafter



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5. The tracking report on record *qua* service to the Respondent is as follows:



Department of Posts
Government of India
Ministry of Communications

(5)

Generated through Indiapost website on: 10/8/2026, 14:13:10 pm

Consignment/MO Tracking Report

Consignment/MO Number: SU002694591IN

Article Number:	Article Type:	Tariff:
SU002694591IN	SP_INLAND_DOC	₹ 44.91
Booked At:	Booked On:	Destination:
Delhi High Court Extension Counter SO	03/08/2026, 14:31:56	Gurgaon HO
Origin Pincode:	Delivered On:	Destination Pincode:
110003	07/08/2026, 18:39:49	122001

Event	Date	Time	Office	Remarks
Item Booked	03/08/2026	14:31:56	Delhi High Court Extension Counter SO	-
Item bagged	03/08/2026	15:52:29	Delhi High Court Extension Counter SO	-
Item Dispatched	03/08/2026	16:05:49	Delhi High Court Extension Counter SO	-
Bag Received	03/08/2026	21:22:33	New Delhi NSH	-
Item Received	03/08/2026	23:02:13	New Delhi NSH	-
Item bagged	04/08/2026	04:03:46	New Delhi NSH	-
Item Dispatched	04/08/2026	08:35:43	New Delhi NSH	-
Bag Received	04/08/2026	18:16:20	NSH Gurgaon	-
Bag Received	04/08/2026	18:32:44	Haryana Sorting TMO	-
Item Received	04/08/2026	19:01:21	NSH Gurgaon	-
Item bagged	05/08/2026	01:02:55	NSH Gurgaon	-
Item Dispatched	05/08/2026	03:15:23	Haryana Sorting TMO	-
Bag Received for Forwarding	05/08/2026	04:39:45	Gurgaon Sorting TMO	-

Signature Not Verified ARB.P. 761/2026

Signed By: ANUBHAV
TRIPATHI
Signing Date: 16.10.2026
17:31:26

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Event	Date	Time	Office	Remarks
Item Dispatched	05/08/2026	05:18:34	Gurgaon Sorting TMO	-
Bag Received	05/08/2026	09:21:42	Gurgaon South City II SO	-
Item received at Destination	05/08/2026	09:35:48	Gurgaon South City II SO	-
Taken out for delivery	05/08/2026	11:10:10	Gurgaon South City II SO	-
Item Kept on Hold	05/08/2026	20:56:35	Gurgaon South City II SO	Door Locked
Taken out for delivery	06/08/2026	12:26:43	Gurgaon South City II SO	-
Item Kept on Hold	06/08/2026	20:51:13	Gurgaon South City II SO	Door Locked
Taken out for delivery	07/08/2026	10:45:27	Gurgaon South City II SO	-
Item Delivered (Addressee)	07/08/2026	18:39:49	Gurgaon South City II SO	Delivered

6. 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.

7. In the present case, Clause 20.8(c) of the Agreements contains the arbitration agreement as follows:

“20.8 Governing Law and Dispute Resolution

(c) Such arbitration shall be in accordance with the rules framed under the provisions of the Arbitration and Conciliation Act, 1996 (which rules are deemed to be incorporated in this Agreement by reference herein) and shall be held in New Delhi. All proceedings of such arbitration shall be in the English language.”

8. Accordingly, this Court is of the view that *prima facie* an arbitration agreement exists between the parties.

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

10. Accordingly, Ms. Hemlata Rawat, Advocate (Mob. No.9811022733) is appointed as a learned Sole Arbitrator to



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adjudicate the disputes arisen between the parties. The learned Sole Arbitrator shall enter upon the reference within three weeks from today.

11. 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.

12. 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.

13. It shall be open to the parties to raise all pleas before the learned Sole Arbitrator including but not limited to with respect to the impleadment of parties, objection as to arbitrability and jurisdiction before the learned Sole Arbitrator, who shall consider the same in accordance with law.

14. 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.

15. The Registry is directed to send a receipt of this order to Ms.



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Hemlata Rawat, learned Arbitrator through all permissible modes including email.

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

OM PRAKASH SHUKLA, J

OCTOBER 16, 2026/at