



2026:DHC:6994



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
CNR No. DLHC010270492026
+ **ARB.P. 1024/2026, I.A. 16436/2026**
NEERAJ KUMARPetitioner
Through: Mr. Sachin, Adv.

versus

PALIWAL DEVELOPERS LIMITEDRespondent
Through: Ms. Ambika, Adv.

CORAM:
HON'BLE MR. JUSTICE OM PRAKASH SHUKLA

ORDER(ORAL)
20.08.2026

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1. The present petition has been filed under Section 11(6) of the Arbitration and Conciliation Act, 1996¹ seeking appointment of a Sole Arbitrator in terms of Clause 50 of the Retail/Commercial Space Buyer's Agreement dated 20.01.2022.

2. The Petitioner had agreed to purchase a commercial unit at DLF Galleria Mayur Vihar and had paid a sum of Rs.18,04,000/- towards part consideration to the Respondent.

3. The Petitioner's case is that he had pointed out some defects in the unit, which the Respondent failed to rectify. Thereafter, the Petitioner cancelled the transaction and sought refund of the amount paid. However, when the Respondent failed to refund the amount, the Petitioner invoked arbitration Clause *vide* notice dated 26.04.2025 in terms of Section 21 of the Act.

¹ "the Act" hereinafter



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4. Ms. Ambika, learned Counsel appeared on behalf of the Respondent, submits that she has no objection for the appointment of an Arbitrator.

5. 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.

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

7. 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.

8. Accordingly, Mr. Piyush Mittal, Advocate (Mob. No. +91-9810717949) 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.

9. 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 two weeks of entering reference.

10. The arbitration shall be carried under the rules and aegis of Delhi International Arbitration Centre (“DIAC”). The learned



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Arbitrator shall be entitled to fees in accordance with the Delhi International Arbitration Centre Administrative Cost and Arbitrator's Fees Rules, 2018.

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

12. 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.

13. The Registry is directed to send a receipt of this order to Mr. Piyush Mittal, learned Arbitrator through all permissible modes including email.

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

OM PRAKASH SHUKLA, J

AUGUST 20, 2026/ss