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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**# **CNR No. DLHC010400482026**+ **ARB.P. 1530/2026****ASHISH GUPTA**PetitionerThrough: **Mr. Vinay Kumar, Adv.**

versus

PUBLIC WORKS DEPARTMENTRespondentThrough: **Mr. Brajesh Kumar Sharma,**
Executive Engineer, PWD.**CORAM:****HON'BLE MR. JUSTICE OM PRAKASH SHUKLA****JUDGMENT(ORAL)**% **28.09.2026**

1. The present petition has been filed under Section 11(6) of the Arbitration and Conciliation Act, 1996¹ seeking appointment of an Arbitrator.

2. Mr. Brajesh Kumar Sharma, Executive Engineer, Public Works Department appears on behalf of the Respondent and submits that he has no objection if the dispute can be referred to the learned Sole Arbitrator.

3. Accordingly, both the parties are *ad idem* that the matter can be referred to arbitration.

4. It is well settled that while exercising jurisdiction under Section 11 of the Act, the scope of enquiry is confined to examining the *prima*



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facie existence of an arbitration agreement².

5. In the present case, there is no dispute with regard to the existence of a valid arbitration clause. In the aforesaid circumstances, this Court finds no impediment in appointing a Sole Arbitrator.

6. Accordingly, Mr. Sanjay Gupta, Retd. Chief Engineer, CPWD (Mob. 9818884167) 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 objection as to arbitrability and jurisdiction, 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



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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 Mr. Sanjay 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

SEPTEMBER 28, 2026/gunn