



2026:DHC:7557



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**# **CNR No. DLHC010346762026**+ **O.M.P.(I) (COMM.) 313/2026****MEDICAL INNOVATION PRIVATE LIMITED.....Petitioner****Through: Mr. Saket Gogia, Mr. Rohith R
Kamath and Mr. Deepesh
Meena, Advs.****versus****M/S RASHA INFRASTRUCTURE AND ORS****.....Respondents****Through: Mr. Upendra Pratap Singh and
Mr. Abhishek Grover, Advs.****CORAM:****HON'BLE MR. JUSTICE OM PRAKASH SHUKLA****ORDER(ORAL)**

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31.08.2026

1. The present petition has been filed under Section 9 of the Arbitration and Conciliation Act, 1996¹ seeking interim measures against the Respondents.

2. Both parties are *ad idem* that the matter can be referred to arbitration.

3. 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 agreement².

4. In the present case, there is no dispute with regard to the existence of a valid arbitration clause between the parties. Clause 21 of the agreement provides arbitration clause. The same is reproduced

¹ "the Act", hereinafter

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



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hereinbelow:

“21. Governing Law and Dispute Resolution

21.1 This Agreement and the rights and obligations of the Parties hereunder shall be governed and construed in accordance with the laws of India and shall be subject to the exclusive jurisdiction of courts in New Delhi.

21.2. Any dispute related to this Agreement shall be resolved amicably by the mutual discussion amongst the senior executives of the Parties. In the event the dispute is not resolved within 15 days, from the date of notice by a Party for amicable settlement, the dispute shall be referred to arbitration to be conducted in accordance with the Arbitration and Conciliation Act, 1996 (as amended). The arbitration proceedings shall be conducted in English before sole arbitrator to be appointed with mutual consent of the Parties. The seat of arbitration shall be New Delhi. The cost of arbitration shall be borne by the Parties equally.”

5. In view of the above, this Court finds no impediment in appointing a Sole Arbitrator.

6. Accordingly, Mr. Justice Ravi Shankar Jha (Retd.), Former Chief Justice of Punjab and Haryana High Court (Mob. No. 9425153362) 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 two weeks of entering reference.

8. 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 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 purpose of deciding the present petition. 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 Mr. Ravi Shankar Jha, learned Arbitrator through all permissible modes including email.

12. The present petition under Section 9 of the Act shall be treated as an application under Section 17 of the Act and placed before the learned Sole Arbitrator.

13. The learned Arbitrator shall make an endeavour to decide this application as expeditiously as possible.

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

OM PRAKASH SHUKLA, J

AUGUST 31, 2026/gunn

Signature Not Verified

Signed By: ANUBHAW M.P.(I) (COMM.) 313/2026
TRIPATHI
Signing Date: 05.09.2026
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