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

+ **ARB.P. 1554/2025**

ELEPHANT ENERGY PRIVATE LIMITEDPetitioner

Through: Mr. Sanjeev Mahajan, Mr. Sarthak Chiller and Mr. Rohit Lochav, Advocates with Mr. Sagar Kanojiya, AR.

versus

CHANDERPUR WORKS PRIVATE LIMITEDRespondent

Through: Mr. Yogendra Aldak and Ms. Tamanna Sharma, Advocates.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

08.10.2025

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1. This petition is filed on behalf of the Petitioner under Section 11 (6) of the Arbitration and Conciliation Act, 1996 ('1996 Act') for appointment of an Arbitrator to adjudicate the disputes between the parties.
2. Disputes having arisen between the parties in relation to Purchase Agreement dated 19.05.2022 for purchase of machineries / gasifier for a sum of Rs.3,39,13,200/-, Petitioner sent notice invoking arbitration dated 08.07.2025 to the Respondent in consonance with arbitration clause 14 in the Purchase Agreement. Notice was duly received by the Respondent and reply was sent on 11.08.2025 wherein, according to the counsel for the Petitioner, existence of arbitration agreement was not disputed and in fact Respondent stated that it had some counter-claims.
3. Learned counsel for the Respondent fairly and candidly does not



dispute the existence of arbitration clause *albeit* claims of the Petitioner are refuted on merits. It is submitted that if the Court is inclined to appoint the Arbitrator, liberty be granted to the Respondent to prefer counter-claims before the Arbitrator.

4. Since the existence of the arbitration agreement is not disputed, which is the limited remit of the referral Court under Section 11 of 1996 Act, in light of the judgment of the Supreme Court in ***SBI General Insurance Company Limited v. Krish Spinning, 2024 SCC OnLine SC 1754***, I find no impediment in appointing the Arbitrator.

5. Accordingly, this petition is allowed appointing Ms. Justice Shalinder Kaur, former Judge of this Court (Mobile No. 9910384702) as the Sole Arbitrator to adjudicate the disputes between the parties. Arbitration proceedings will be held under the aegis of Delhi International Arbitration Centre (DIAC) and as per its Rules. Fee of the Arbitrator shall be as per the DIAC (Administrative Cost and Arbitrators' Fees) Rules, 2018.

6. Learned Arbitrator shall give disclosure under Section 12 of the 1996 Act before entering upon reference.

7. It is made clear that this Court has not expressed any opinion on the merits of the case and all rights and contentions of the respective parties are left open. It will be open to the Respondent to file counter-claims before the learned Arbitrator.

8. Petition is disposed of in the aforesaid terms.

JYOTI SINGH, J

OCTOBER 8, 2025/YA