



\$~6

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

+ **ARB.P. 1751/2025**

M/S R SQUARE PRODUCTS THROUGH ITS PARTNER

.....Petitioner

Through: Mr. Mohd. Hashim Miyan (Adv.)
versus

M/S BEMISALES MEDIA THROUGH ITS PROPRIETOR

.....Respondent

Through: Mr. Arinjay, Adv.

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

% **15.12.2025**

1. This is a petition filed under Section 11(6) of the Arbitration and Conciliation Act, 1996 ("**1996 Act**") seeking appointment of an Arbitrator for adjudication of disputes between the parties.
2. The brief facts are that the petitioner is a partnership firm and is engaged in the business of selling ice production machines and providing ice making solutions/ machines.
3. The parties entered into an Agreement to Sale dated 07.10.2024, wherein the respondent agreed to purchase 162 ice making machines from the petitioner.
4. The said Agreement contains an arbitration clause being Clause No. 15, which reads as under:-

"15. Arbitration and Dispute Resolution: Any disputes arising out of this agreement shall be resolved by arbitration as per



the Arbitration and Conciliation Act, 1996. The place of arbitration shall be Delhi, and the language of arbitration shall be English.

Otherwise, any dispute arising from this Agreement shall be resolved in the courts of Delhi.”

5. Since disputes arose between the parties, the petitioner invoked arbitration *vide* legal notice dated 03.07.2025 and thereafter, filed a petition under Section 11 of the 1996 Act being ARB.P. No. 1176/2025. The same was dismissed as withdrawn on 10.10.2025, wherein paragraphs No. 2 and 5 of the order read as under:-

“2. Learned counsel for the Respondent takes a preliminary objection to the maintainability of this petition on the ground that the notice invoking arbitration was sent by the Petitioner only on 03.07.2025 and without waiting for 30 days period to expire, this petition was filed on 26.07.2025.

XXXXXXXX

5. Petition is disposed of as withdrawn with liberty, as prayed for making it clear that this Court has not expressed any opinion on the merits of the case.”

6. Consequently, the petitioner has filed the present petition.
7. Mr. Arinjay, learned counsel for the respondent opposes the present petition on the ground that the same has been filed within 3 days of the dismissal order i.e., 10.10.2025.
8. The order dated 10.10.2025 in ARB. P. No. 1176/2025 categorically states that the said petition was found premature as the notice invoking arbitration was issued on 03.07.2025 and the petition was



filed on 26.07.2025. Hence, the petition was found to be filed before the expiry of 30 days.

9. The present petition, however, has been filed on 13.10.2025, which is beyond the 30 day period from the date of notice invoking arbitration under Section 21 of the 1996 Act i.e., 03.07.2025. Hence, the present petition is in compliance with the prescribed time period, within which the same is required to be filed.
10. The respondent has raised other issues/objections in the reply which are on the merits of the matter. This Court, at the stage of reference and appointment of an Arbitrator, is not to go into the merits of the case and is only required to take a limited view with respect to the existence of the arbitration clause.
11. I am satisfied that there exists a valid arbitration clause and dispute between the parties which need to be adjudicated through the arbitral mechanism.
12. For the said reasons, the petition is allowed and the following directions are issued:-
 - i) Ms. Mehak Nakra (Adv) (Mob No. 9871144582) is appointed as a Sole Arbitrator to adjudicate the disputes between the parties.
 - ii) The arbitration will be held under the aegis and rules of the Delhi International Arbitration Centre, Delhi High Court, Sher Shah Road, New Delhi (hereinafter, referred to as the 'DIAC').
 - iii) The remuneration of the learned Arbitrator shall be in terms of DIAC (Administrative Cost and Arbitrators' Fees) Rules,



2018.

- iv) The learned Arbitrator is requested to furnish a declaration in terms of Section 12 of the 1996 Act prior to entering into the reference.
- v) It is made clear that all the rights and contentions of the parties, including as to the arbitrability of any of the claim, any other preliminary objection, as well as claims/counter-claims and merits of the dispute of either of the parties, are left open for adjudication by the learned Arbitrator.
- vi) The parties shall approach the learned Arbitrator within two weeks from today.

13. The present petition is disposed of in the aforesaid terms.

JASMEET SINGH, J

DECEMBER 15, 2025 / (MS)