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

\# **CNR No. DLHC010012512026**

\+ ARB.P. 127/2026

NUPUR GOENKA .....Petitioner

Through: Mr. Rajat Aneja, Sr. Advocate along with Ms. Chandrika Gupta, Advocates.

versus

JUPITER ESTATES AND BUILDERS PVT LTD .....Respondent

Through: Mr. Sunil Magon & Mr. Shevon Samuil, Advocates.

CORAM:
HON'BLE MR. JUSTICE PRATEEK JALAN

O R D E R

% 28.10.2026

1. By way of the present petition under Section 11 of the Arbitration and Conciliation Act, 1996 ["the Act"], the petitioner seeks the appointment of an arbitrator to adjudicate the disputes that have arisen between the parties in connection with an Agreement to Sell dated 18.10.2021 [hereinafter, "the Agreement"].

2. I have heard Mr. Rajat Aneja, learned Senior Counsel for the petitioner, and Mr. Sunil Magon, learned counsel for the respondent.

3. The Agreement concerns the sale of a property by the respondent in favour of the petitioner. It admittedly contains an arbitration clause [Clause 25], which provides for the adjudication of disputes by a sole arbitrator, with New Delhi as the seat and venue of arbitration. The Agreement further confers exclusive jurisdiction upon the courts at New

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Delhi in respect of disputes arising therefrom.

4. Disputes having arisen between the parties, the petitioner invoked arbitration *vide* notice dated 09.12.2025, raising claims aggregating to approximately Rs. 2 crores and proposing the appointment of an arbitrator. As the parties could not reach an agreement on the appointment of an arbitrator, the petitioner has approached this Court by way of the present petition.

5. The order dated 05.08.2026 records that the parties were exploring the possibility of amicably resolving their disputes through mediation. I am informed that the mediation proceedings are ongoing and that the parties continue to make efforts to arrive at an amicable settlement.

6. The existence of the arbitration agreement and its invocation are not in dispute. Learned counsel for the parties, however, submit that the parties are desirous of pursuing the ongoing mediation proceedings to resolve their disputes amicably. They further agree that, in the event the mediation proceedings do not culminate in a settlement, the disputes may be referred to arbitration under the aegis of the Delhi International Arbitration Centre ["DIAC"].

7. In view of the aforesaid and with the consent of the parties, the petition is disposed of with the following directions:

a) The parties shall pursue the ongoing mediation proceedings for a further period of eight weeks from today.

b) In the event the disputes are not amicably resolved through mediation within the aforesaid period, either party shall be at liberty to approach DIAC, whereupon DIAC shall nominate a sole arbitrator from its panel to adjudicate the disputes between the

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parties.

c) In the event the arbitral proceedings commence, the same shall be conducted in accordance with the Rules of DIAC, including the provisions governing the remuneration of the learned Arbitrator.

d) Before entering upon the reference, the learned Arbitrator is requested to furnish a declaration in terms of Section 12 of the Act.

e) DIAC is requested to keep the appointment of the learned Arbitrator and the commencement of arbitral proceedings in abeyance for a period of eight weeks from today to enable the parties to pursue the ongoing mediation proceedings.

f) In the event that the parties jointly seek an extension of time to pursue mediation, DIAC may defer the arbitration further, by consent of parties.

8. The rights and contentions of the parties, including on the arbitrability of the disputes and on the merits, are left open for consideration in accordance with law. This Court has expressed no opinion on these aspects.

9. The petition, alongwith any pending applications, stands disposed of in the aforesaid terms.

PRATEEK JALAN, J

OCTOBER 28, 2026
"Ni"/SD/

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