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

+ **ARB.P. 210/2026**

**TIRUPATI AND ASSOCIATES THROUGH ITS
PROPRIETOR**

.....Petitioner

Through: Mr. Santosh Kumar, Sr. Adv. with
Mr. Rajiv Ranjan Mishra, Adv.

versus

AGA KHAN FOUNDATION INDIA

.....Respondent

Through: Ms. Samiksha Godiyal and Mr.
Tenzing Bhutia, Adv.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

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23.02.2026

[Hearing was conducted only through video-conferencing mode on account of public notice dated 19.02.2026 issued by this Court with respect to Bar Council of Delhi elections]

1. By way of this petition under Section 11(6) of the Arbitration and Conciliation Act, 1996 [in short, 'Act'], the petitioner seeks appointment of a Sole Arbitrator to adjudicate the disputes between parties under the two work orders dated 01.03.2024 and 16.02.2025. Clause 21 of both the said work orders contains the arbitration clause.
2. Learned counsels appearing on behalf of the parties are *ad idem* that there is a specific clause in the agreements which provides that the disputes arising out of the agreements shall be subject to the exclusive jurisdiction of the concerned Court situated at Delhi.



3. The disputes having arisen between the parties, the petitioner invoked arbitration by giving notice dated 24.11.2025 in terms of Section 21 of the Act. Since the said notice did not fetch any response, the present petition was filed by the petitioner.
4. Pursuant to issuance of notice in the present petition, Ms. Samiksha Godiyal, Advocate, enters appearance on behalf of the respondent. She submits that she does not dispute the arbitration clause but there is a specific procedure prescribed under the arbitration clause which must precede the invocation of arbitration. However, she contends that in case the said procedure is waived by the petitioner, she has no objection to the appointment of an Arbitrator.
5. Mr. Santosh Kumar, learned Senior Counsel appearing on behalf of the petitioner submits that he waives the procedure prescribed under the arbitration clause which would precede the invocation of arbitration. The statement is taken on record.
6. In view of the above, the present petition is allowed.
7. Accordingly, the dispute between the parties is referred to arbitration of Justice Chander Shekhar, Former Judge of High Court of Delhi, [Mob. 9910384650].
8. The arbitration will be held under the aegis of Delhi International Arbitration Centre, Delhi High Court, Sher Shah Road, New Delhi – 110003 [“DIAC”] and shall be governed by the Rules of DIAC including as to the remuneration of the learned Arbitrator.
9. The learned Arbitrator is requested to furnish a declaration under Section 12 of the Act prior to entering upon the reference.
10. It is made clear that all rights and contentions of the parties are left



open for adjudication by the learned Arbitrator.

11. The petition stands disposed of.

FEBRUARY 23, 2026

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VIKAS MAHAJAN, J