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

+ **ARB.P. 407/2026**

**OFB TECH LIMITED**

.....Petitioner

Through: **Mr. Sanyam Khetarpal, Adv.**

versus

**ELIXIR EXTRACTS PRIVATE LIMITED & ORS. ....Respondents**

Through: **Mr. Rony Oommen John & Mr.  
Piyush Swami, Adv.**

**CORAM:**

**HON'BLE MR. JUSTICE AVNEESH JHINGAN**

**ORDER**

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**13.04.2026**

1. The present petition is filed under Section 11 of the Arbitration and Conciliation Act, 1996 (for short 'the Act') for appointment of an arbitrator.
2. The brief facts are that the parties to the *lis* entered into a Business Transfer Agreement (for short 'BTA') dated 05.04.2025 for acquisition of the business of respondent no. 1 for a total consideration of Rs.39,90,00,000/-. A Consultancy Service Agreement dated 20.06.2025 was also executed. Disputes arose between the parties on account of misrepresentation. The petitioner issued a dispute notice dated 18.12.2025 in terms of clause 14.2.1 of the BTA which was replied to by Respondent No.1 denying liability. The petitioner invoked arbitration under clause 14.2.2 of the BTA on 29.12.2025 but no arbitrator was appointed. A communication dated 20.02.2026 proposing names of arbitrators was not accepted by the petitioner and a reply dated 06.03.2026 was furnished. Hence, the present petition.



3. Learned counsel for the respondents on instructions has no objection for referring the matter to arbitration.
4. Accordingly, the petition is allowed by appointing Justice Mr. Ajay Tiwari (Retd.) (Mobile No.9780008141) as the sole arbitrator for adjudication of the disputes which have arisen between the parties.
5. Arbitral proceedings will be held under the aegis of Delhi International Arbitration Centre (DIAC). Fee of the Arbitrator shall be fixed as per fee schedule.
6. Before entering upon reference, the learned Arbitrator will comply with Section 12 of the Act.
7. It is made clear that since this Court has not expressed any opinion on the merits of the rival claims of the parties and it will be open for the parties to file their respective claims/counter claims before the learned Arbitrator which will be considered in accordance with law.
8. A copy of this order be forwarded to the learned Arbitrator for information.

**AVNEESH JHINGAN, J**

**APRIL 13, 2026**

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