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

\# **CNR No. DLHC010113282026**

\+ ARB.P. 489/2026

KISAME SOURCING PRIVATE LIMITED .....Petitioner

Through: Mr. Ayush Singhal, Advocate.

versus

NEW SHINE STAR THROUGH ITS PROPRIETOR .....Respondent

Through: None.

CORAM:
HON'BLE MR. JUSTICE OM PRAKASH SHUKLA

JUDGMENT(ORAL)

% 03.11.2026

1. The present petition has been filed under Section 11 of the Arbitration and Conciliation Act, 1996[1] seeking appointment of an Arbitrator for resolution of disputes arising out of Agreement dated 23.09.2025.

2. The Petitioner is aggrieved by the alleged non-payment of contractual dues by the Respondent towards the invoices raised by the Petitioner.

3. It appears that the Petitioner invoked arbitration by notice dated 13.01.2026 in accordance with Section 21 of the Act, to which the Respondent failed to reply.

4. Aggrieved thereby, the Petitioner preferred the instant petition and prays for appointment of an Arbitrator.

[1] "Act" hereinafter

5. Affidavit of substituted service is on record. It appears that the Petitioner has effected substituted service *qua* the Respondent. Accordingly, service is deemed sufficient.

6. Despite service, no one has put in appearance on behalf of the Respondent nor any reply has been filed.

7. Under Section 11 of the Act, the scope of enquiry to be undertaken by this Court is confined to examining the *prima facie* existence of an arbitration agreement.

8. In the present case, Clause 14 provides of the Agreement dated 23.09.2025 for arbitration as a method of dispute resolution and reads as under:

> *"14. Any dispute arising out of or in relation to this agreement shall be referred to Arbitration as per the Indian Arbitration Act."*

9. Accordingly, in the considered view of this Court, a valid arbitration agreement exists.

10. In furtherance thereof, Ms. Harshita Choubey, Advocate, (Mob. No. 9999776655) is appointed as a learned Sole Arbitrator to adjudicate the disputes arisen between the parties. The learned Sole Arbitrator shall enter upon the reference within three weeks from today.

11. The learned Sole Arbitrator will proceed to the arbitration proceedings subject to furnishing requisite disclosures as required

under Section 12(2) of the Act within three weeks of entering reference.

12. The arbitration shall be carried under the rules and aegis of Delhi International Arbitration Centre ("DIAC"). The learned Arbitrator shall be entitled to fees as per the Schedule of Fees maintained by the DIAC.

13. It shall be open to the parties to raise all pleas, including objection as to arbitrability and jurisdiction, before the learned Sole Arbitrator who shall decide the same in accordance with law.

14. It is clarified that the observations made herein are only for the purpose of deciding the present petition under Section 11(6) of the Act. The learned Sole Arbitrator shall adjudicate the disputes independently and on their own merits, uninfluenced by any observations contained in the present order.

15. The Registry is directed to send a receipt of this order to Ms. Harshita Choubey, learned Arbitrator through all permissible modes including email.

16. Accordingly, the present petition is disposed of in the above terms.

OM PRAKASH SHUKLA, J

NOVEMBER 3, 2026/*gunn*