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

\# **CNR No. DLHC010114812026**

\+ ARB.P. 515/2026 I.A. 7939/2026 I.A. 7940/2026

RAMPUR KRISHAK FARMER PRODUCER COMPANY LIMITED .....Petitioner

Through: Mr. Anjani Kumar Mishra, Mr. Krishna Gopal Mishra, Mr. Praveen Mishra, Ms. Nidhi Tripathi, Advocates.

versus

MAHAK GREEN LLP & ORS. .....Respondent

Through: Mr. Kunal Kher and Mr. Manuj Gautam, Advocates.

CORAM:
HON'BLE MR. JUSTICE PRATEEK JALAN

O R D E R

% 09.10.2026

1. The present petition has been filed under Section 11 of the Arbitration and Conciliation Act, 1996 [hereinafter, "the Act"], seeking the appointment of a sole arbitrator to adjudicate the disputes arising between the parties out of an Agreement dated 24.12.2024, titled "*Exclusivity Agreement*" [hereinafter, "the Agreement"].

2. I have heard Mr. Praveen Mishra, learned counsel for the petitioner, and Mr. Kunal Kher, learned counsel for the respondents.

3. The Agreement was executed between the petitioner-company and respondent No. 1, a limited liability partnership ["LLP"]. Respondent No. 2 represented respondent No. 1 in the execution of the Agreement, while

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respondent No. 3 is the other partner of the LLP. In the present petition, respondents No. 2 and 3 have been impleaded in their individual capacities, in addition to respondent No. 1.

4. The Agreement admittedly contains an arbitration clause, being Clause 20, which provides for the resolution of disputes by a sole arbitrator. Further, Clause 23 of the Agreement confers exclusive jurisdiction in respect of matters arising thereunder upon the courts in Delhi.

5. Disputes having arisen between the parties in relation to the Agreement, the petitioner invoked the arbitration clause by way of a legal notice dated 23.12.2025, addressed, *inter alia*, to all three respondents. As the notice did not elicit any response, the petitioner has filed the present petition seeking appointment of an arbitration.

6. Mr. Kher opposes the appointment of an arbitrator on two grounds. He submits, first, that the Agreement is insufficiently stamped and, second, that respondents No. 2 and 3 are not parties to the Agreement in their individual capacities and, therefore, cannot be proceeded against in arbitration. Upon a query from the Court, however, Mr. Kher fairly submits that both objections may be raised before the learned Arbitrator and adjudicated in accordance with the prevailing legal position.

7. In view of the aforesaid submission, the disputes may be referred to arbitration, leaving all rights and contentions of the parties, including the objections raised by Mr. Kher, open for adjudication by the learned Arbitrator. It is further clarified that, if any party is required to participate in arbitral proceedings that are ultimately held to be not maintainable against it, the learned Arbitrator may consider imposition of an order of

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costs.

8. The petition is, accordingly, disposed of by referring the disputes arising out of the Agreement dated 24.12.2024 to arbitration, on the following terms.

a) Hon'ble Mr. Justice S. Ravindra Bhat, former Judge, Supreme Court of India (Tel.: 9818000160) is appointed as the sole arbitrator to adjudicate the disputes between the parties arising out of the Agreement dated 24.12.2024.

b) The arbitration shall be conducted under the aegis of the Delhi International Arbitration Centre ["DIAC"] and in accordance with the DIAC Rules, including the provisions governing the remuneration of the learned Arbitrator.

c) The learned Arbitrator is requested to furnish the requisite declaration under Section 12 of the Act before entering upon the reference.

9. It is clarified that this Court has not expressed any opinion on the merits of the disputes or on the objections raised by the respondents. All rights and contentions of the parties, including those relating to the arbitrability and maintainability of the claims and the merits of the disputes, are left open for adjudication by the learned Arbitrator.

10. The petition, alongwith pending applications, accordingly, stands disposed of.

PRATEEK JALAN, J

OCTOBER 9, 2026
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