$~13

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

\# **CNR No. DLHC010126662026**

\+ ARB.P. 552/2026

M/S SHELL INDIA MARKETS PVT LTD .....Petitioner

Through: Mr. Ishan Krishan Dubey, Mr. Naman Kumar, Advocates.

versus

M/S JAMKASH VEHICLEADS PRIVATE LIMITED

.....Respondent

Through: Mr. Siddharth Jain, Ms. Ishani Kaushik, Advocates

CORAM:
HON'BLE MR. JUSTICE PRATEEK JALAN

O R D E R

% 07.10.2026

1. By way of the present petition under Section 11 of the Arbitration and Conciliation Act, 1996 [hereinafter "the Act"], the petitioner seeks appointment of a sole arbitrator for adjudication of disputes arising out of the Business Development Agreement dated 28.06.2018 [hereinafter "the Agreement"] executed between the parties.

2. Mr. Ishan Krishan Dubey, learned counsel for the petitioner, draws my attention to Clause 29.3 of the Agreement, which provides for resolution of disputes by arbitration under the rules of the Delhi International Arbitration Centre [hereinafter "DIAC"]. Delhi has been designated as the venue and seat of arbitration. The Agreement further provides for appointment of a sole arbitrator where the value of the claim

This is a digitally signed order.
The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.
The Order is downloaded from the DHC Server on 12/10/2026 at 10:38:19

is less than USD 5 million.

3. Mr. Siddharth Jain, learned counsel for the respondent, has entered appearance pursuant to notice issued on 01.04.2026. Although a reply dated 05.10.2026 has been filed on behalf of the respondent, the same is not on record. A copy thereof has been handed up in Court and is taken on record.

4. Mr. Jain submits that the respondent's only objection to the present petition arises from the pendency of a suit instituted by the respondent before the District Court, Jammu, seeking an injunction against invocation of the bank guarantee furnished by the respondent under the aforesaid Agreement. He submits that, notwithstanding the interim injunction granted by the said Court, the bank guarantee came to be invoked, pursuant to which an application under Order XXXIX Rule 2A of the Code of Civil Procedure, 1908, remains pending before the District Court, Jammu.

5. The submissions advanced on behalf of the respondent thus pertain to the proceedings pending at his instance before the District Court, Jammu. Mr. Dubey makes it clear that the present proceedings are not intended to impede the proceedings in Jammu in any way, and those may proceed independently.

6. No other argument has been raised by Mr. Jain, to resist the appointment of an arbitrator to adjudicate the claims of the petitioner herein. The execution of the Agreement as well as the invocation of arbitration by letter dated 26.12.2025 stand admitted.

7. Learned counsel for the parties are *ad idem* that the value of the disputes is less than USD 5 million and, accordingly, the disputes are

This is a digitally signed order.
The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.
The Order is downloaded from the DHC Server on 12/10/2026 at 10:38:19

required to be adjudicated by a sole arbitrator in terms of Clause 29.3 of the Agreement.

8. In view of the aforesaid, and with the consent of learned counsel for the parties, the present petition is disposed of with the following directions:

a) Mr. Pawan Kumar Jain, retired Officer of the Delhi Higher Judicial Service, [Tel: 9910384744] is appointed as the sole arbitrator to adjudicate the disputes between the parties arising out of the Business Development Agreement dated 28.06.2018.

b) The arbitration shall be conducted under the aegis of DIAC and shall be governed by the Rules of the DIAC, including as to 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. Needless to say, all rights and contentions of the parties, including with respect to the arbitrability and maintainability of the claims and on merits, are left open for adjudication by the learned Arbitrator.

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

PRATEEK JALAN, J

OCTOBER 7, 2026
*tg/*SD/

This is a digitally signed order.
The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.
The Order is downloaded from the DHC Server on 12/10/2026 at 10:38:19