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

+ **ARB.P. 804/2026**

MS PS2 CONSULTANTS

.....Petitioner

Through: Mr. Nitin Mangla and Mr. Nishchay Kapoor, Advocates.

versus

MS ALPHA CORP DEVELOPMENT PRIVATE LIMITED

.....Respondent

Through: Mr. Surjendu Sankar Das, Ms. Annie Mittal and Mr. Vishal Rishi Srivastava, Advocates.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

04.05.2026

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1. By way of the present petition filed under Section 11(6) of the Arbitration and Conciliation Act, 1996 (hereinafter 'the Act') petitioner seeks appointment of an Arbitrator to adjudication the disputes between the parties under the agreement being work order bearing no. ACDPL/KKJ/PS2C/VO/ACWTC/2023-24/001 dated 01.02.2024.
2. The agreement provides for the resolution of the disputes by arbitration. Clause 44 of the work order contains an arbitration clause. The clause also provides that seat of arbitration shall be at Delhi.
3. The disputes having arisen between the parties, petitioner invoked the arbitration clause by giving a notice dated 16.03.2026 in terms of Section 21 of the Act. However, reply was received by the petitioner from the respondent after the filing of the present petition.



4. Issue notice. Mr. Surjendu Sankar Das, learned counsel appearing on behalf of the respondent accepts notice. He submits that in the reply given of the respondent an objection has been taken with regard to the arbitrability of part of the claim. He submits that the respondent be given liberty to raise that objection before the learned Arbitrator.
5. At the stage of proceedings under Section 11(6) of the Act, the Court is only required to satisfy itself, *prima facie*, as to the existence of the arbitration agreement. All other questions are to be left to the determination of the learned Arbitrator.
6. Insofar as the arbitration agreement is concerned, the same is not disputed.
7. In that view of the matter, present petition is allowed and disputes between the parties are referred to arbitration of Mr. Santosh Kumar, Advocate: [Mob.: 9310747175, Email ID: santoshkrs01@gmail.com].
8. The arbitration will be held under the aegis of Delhi International Arbitration Centre (DIAC), Delhi High Court, Sher Shah Road, New Delhi and will 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. Petition stands disposed of.

VIKAS MAHAJAN, J

MAY 4, 2026/jg