$~108

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

\# **CNR No. DLHC010301432026**

\+ ARB.P. 1145/2026

PUNEET SHARMA .....Petitioner

Through: Ms. Gurmeet Bindra, Adv.

versus

SHIVAM WALIA .....Respondent

Through: Mr. Arun Aggarwal, Mr. Lovelesh Kukreja and Mr. Shashwat Pandey, Advs.

CORAM:
HON'BLE MR. JUSTICE OM PRAKASH SHUKLA

JUDGMENT(ORAL)

% 02.11.2026

1. The present petition has been filed under Section 11 of the Arbitration and Conciliation Act, 1996[1] seeking appointment of independent Arbitrator.

2. Learned Counsel appearing on behalf of the Respondent objects to the appointment of an Arbitrator on the ground that Clause 30 of the Agreement is vague, ambiguous and does not satisfy the requirements of Section 7 of the Act.

3. It is further submitted that no consideration was exchanged under the agreement and that no arbitrable dispute exists between the parties.

4. Learned Counsel for the Respondent further submits that civil

[1] "Act" hereinafter

suit and FIR are also pending before Civil Judge, Haridwar.

5. Having heard the learned Counsel for both the parties, this Court is of the view that while exercising jurisdiction under Section 11 of the Act, the scope of enquiry is confined to examining the *prima facie* existence of an arbitration agreement[2].

6. A perusal of Clause 30 of the agreement *prima facie* establishes the intention of the parties to refer the disputes to arbitration.

7. Once arbitration clause is *prima facie* there, there is no impediment in appointing a Sole Arbitrator.

8. The objections raised by learned Counsel for the Respondent concerning the underlying transaction and the merits of the dispute are left open for adjudication by the learned Arbitral Tribunal.

9. Accordingly, Ms. Sandhya Gupta, Advocate, (Mob. No. 9312280288) 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.

10. 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.

[2] **SBI General Insurance Co. Ltd. v. Krish Spinning 2024 SCC OnLine SC 1754**

11. 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.

12. 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.

13. 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.

14. The Registry is directed to send a receipt of this order to Ms. Sandhya Gupta, learned Arbitrator through all permissible modes including email.

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

OM PRAKASH SHUKLA, J

NOVEMBER 2, 2026/*gunn*