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

\# **CNR No. DLHC010437722026**

\+ ARB.P. 1661/2026

MRS MITHLESH SHARMA .....Petitioner

Through: Mr. Vishwendra Verma and Ms. Shivali, Advs.

versus

M/S SAGAR RATNA RESTAURANTS PVT LTD 85 ANR .....Respondents

Through: Mr. Aman Vasisth, Adv.

**CORAM:**
**HON'BLE MR. JUSTICE OM PRAKASH SHUKLA**

**JUDGMENT(ORAL)**

**% 28.10.2026**

1. The present petition has been filed under Section 11(6) of the Arbitration and Conciliation Act, 1996[1] seeking appointment of an Arbitrator.

2. Both parties are *ad idem* that the matter may be referred to the learned Sole Arbitrator for adjudication of disputes.

3. It is well settled 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].

4. In the present case, there is no dispute with regard to the existence of a valid arbitration clause between the parties. Further the

[1] "Act" hereinafter

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

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parties are also *ad idem* with respect to reference of disputes to arbitration. Therefore, this Court finds no impediment in appointing a Sole Arbitrator to adjudicate the disputes between the parties.

5. The claimed amount is stated to be Rs.70 lakhs approx.

6. Accordingly, Ms. Charu Mathur, Advocate (Mob. No. 9868009602) 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.

7. 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.

8. 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.

9. 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.

10. 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

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independently and on their own merits, uninfluenced by any observations contained in the present order.

11. The Registry is directed to send a receipt of this order to Ms. Charu Mathur, learned Arbitrator through all permissible modes including email.

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

**OM PRAKASH SHUKLA, J**

**OCTOBER 28, 2026**/*gunn*

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