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

% ***Date of Decision: 20th November, 2026***

\# **CNR No. DLHC010457612026**

\+ ARB.P. 1715/2026

GENERAL MANAGER NORTHERN RAILWAY & ORS.

.....Petitioner

Through: Ms. Anupam Dwivedi, Advocate.

versus

MUKESH GOYAL .....Respondent

Through: Mr. Syed Abdul Haseeb, CGSC, Mr. Tanveer, Mr. M. Amir Khan, Ms. Anama Waseem, Advocates.

CORAM:
HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T *(oral)*

1. When the present petition was taken up by this Court on 24.09.2026, the following order was passed:-

> *"1. Present petition has been filed under Section 11 (6) of Arbitration and Conciliation Act, 1996 seeking appointment of Arbitrator to adjudicate dispute between the parties.*
> *2. Learned counsel for petitioner submits that on earlier occasions, similarly situated respondents had filed similar kind of petitions under Section 11 (6) Arbitration and Conciliation Act, 1996 and these were taken up by learned Single Judge of this Court on 08.08.2025 and taking note of the Arbitration Clause contained in Licence Agreement dated 26.12.2012, Arbitrator was appointed.*
> *3. Learned counsel for petitioner submits that for the purposes of appointment of arbitrator, petitioner had sent a communication dated 26.03.2025 to the respondent to submit undertaking to waive off the applicability of Section 12 (5) of Arbitration and Conciliation Act, 1996 and the aforesaid communication has been responded on 10.04.2025 whereby respondent herein had nominated one person to act as Sole Arbitrator to adjudicate the dispute in question.*
> *4. It is in the aforesaid backdrop, present petition has been filed seeking appointment of Arbitrator.*
> *5. None appears on behalf of respondent despite advance notice.*
> *6. Issue notice to respondent through all permissible modes, including dasti.*
> *7. List on 20.11.2026."*

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2. Pursuant to the steps taken by the petitioner, Mr. Anupam Dwivedi, learned counsel for the respondent, appears through *video-conferencing* and submits that he would file his *vakalatnama* during the course of the day. He, however, submits that, while reserving all rights and contentions, including preliminary objections as to the arbitrability of the disputes, he would have '*no objection'* to the appointment of the sole arbitrator.

3. According to learned counsel for petitioners, the claim is in the vicinity of Rs. 28,00,000/-.

4. Both the sides have no objection if arbitration is conducted the under the aegis of *Delhi International Arbitration Centre*, New Delhi (DIAC).

5. In view of the above and with the consent of the parties, the petition stands disposed of with the following directions:-

i) The disputes between parties concerning said agreement are referred to arbitration.

ii) Ms. Sukbir Kaur Bajwa, Advocate, (Mobile No. 9818040158), Enrolment No. JK/184/91 is appointed as Sole Arbitrator to adjudicate the same.

iii) The arbitration will be held under the aegis of Delhi International Arbitration Centre, New Delhi (DIAC) and would be governed by the Rules of DIAC. The fee of the Arbitrator shall be fixed as per fee schedule under DIAC (Administrative Cost and Arbitrator's fees) Rules 2018.

iv) The learned Arbitrator is requested to furnish a declaration in terms of Section 12 of *Arbitration and Conciliation Act, 1996* prior to entering into the reference.

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v) It is made clear that all the rights and contentions of the parties, including as to the arbitrability of the claim and any other preliminary objections regarding limitation, misjoinder etc. as well as merits of claim or counter claim, if any, are left open for adjudication by the learned Arbitrator.

vi) The parties shall approach DIAC within two weeks from today.

6. The petition stands disposed of in aforesaid terms.

7. A copy of this order be also communicated by the Registry to the learned sole arbitrator as well as to the learned coordinator of the DIAC.

MANOJ JAIN, J

NOVEMBER 20, 2026*/sw/js*

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