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

% ***Date of Decision: 17th November, 2026***

\# **CNR No. DLHC010471612026**

\+ ARB.P. 1767/2026 & I.A. 27223/2026

A K ENTERPRISES

.....Petitioner

Through: Mr. MD. Mehraj Siddiqui, Advocate.

versus

NEW MODERN VUILDWELL PVT LTD

.....Respondent

Through: Mr. Surendra Kumar, Advocate (through V.C.)

CORAM:
HON'BLE MR. JUSTICE MANOJ JAIN

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

1. The present petition has been filed under Section 11(6) of *Arbitration and Conciliation Act, 1996*, seeking appointment of an Arbitrator for adjudication of disputes which have arisen between the parties.

2. According to petitioner, a series of interconnected agreements were executed between the parties in the course of their continuing commercial relationship. These agreements pertain to electrical works in various projects undertaken by the respondent.

3. The outstanding amount is, reportedly, of Rs.76,84,834/-.

4. According to petitioner, despite exhausting all avenues for an amicable settlement, the outstanding amount remained unpaid. A demand notice was accordingly issued, followed by a notice invoking arbitration under Section 21 of the *Arbitration and Conciliation Act, 1996***.** The respondent has, however, failed to clear the outstanding amount and to concur for

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appointment of a sole Arbitrator.

5. Learned counsel for respondent has appeared through *video-conferencing* on advance notice.

6. According to Mr. Surendra Kumar, learned counsel for respondent, the claims are hopelessly barred by limitation. He also submits that there is nothing to indicate that the agreements in question were interconnected agreements. He states that these are separate and independent agreements and, therefore, the present petition is, otherwise also, misconceived on account of misjoinder of distinct causes of action. He also submits that the petitioner had never proposed appointment of any sole arbitrator and, therefore, the contentions raised by the petitioner in this regard are also fallacious in nature.

7. However, during the course of arguments, learned counsel for the respondent, while reserving all his rights and contentions, including the preliminary objections with respect to limitation and misjoinder, submits that he would have *no objection* to the appointment of a sole Arbitrator.

8. He, however, submits that since the petitioner, for the reasons best known to it, has filed the present petition belatedly, the petitioner be directed to bear the entire expenditure towards the fee and other expenses of the Arbitral Tribunal.

9. Learned counsel for petitioner, without prejudice to his rights and contentions, submits that the petitioner would bear entire such expenditure.

10. 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.

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ii) Mr. Vineet Dhanda, Advocate (9811013810), Enrollment No.MAH/1762C2003, E-mail *vdveerswaraj4@gmail.com* 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.

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.

11. The petition stands disposed of in aforesaid terms.

12. A copy of this order be sent to Mr. Vineet Dhanda (Advocate) for information through e-mail.

(MANOJ JAIN)
JUDGE

NOVEMBER 17, 2026/ss/sam

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