$~1

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

% ***Date of Decision: 01st October, 2026***

\# **CNR No. DLHC010776582025**

\+ ARB.P. 1652/2025

SANJEEV KUMAR

.....Petitioner

Through: Mr. P.K. Jakhu and Mr. Pawan Khatana, Advocates.

versus

SAINIK WELFARE ORGANISATION INDIA & ANR.

.....Respondent

Through: None.

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 of *Arbitration and Conciliation Act, 1996* and petitioner seeks appointment of arbitrator.

2. The petitioner expressed his interest to have a plot in Mohali and considering his eligibility, he being a defence personnel, the respondents herein allotted him a plot admeasuring 112.5 Sq yard, provisionally, at Mohali.

3. The Allotment/Agreement dated 29.11.2010 contains dispute redressal mechanism which reads as under:-

> *"1. All the disputes and/or differences which may arise in any manner touching or concerning this allotment shall be referred to the Sole Arbitrator, Director Projects SWOINDIA or any person appointed/nominated by him in this behalf. The award of such Arbitrator shall be final and binding on the parties. Arbitration shall be governed by the Arbitration and Conciliation Act, 1996, as amended from time to time.*
> *2. All suits and legal proceedings of any kind against SWO-India shall*

Signature Not Verified
Digitally Signed
By:SONIA THAPLIYAL
Signing Date:05.10.2026
15:42:57

be instituted in the appropriate court in Delhi notwithstanding the location of the property, which may be the subject matter of dispute."

4. According to petitioner, he had paid a sum of Rs.8,20,713/- towards various installments but neither the plot was finally allotted to him nor possession was given. He states that there was correspondence between the parties on several occasions. Legal notice dated 13.05.2025 was served upon the respondent and despite due service, it did not yield any positive result.

5. Besides the aforementioned *arbitration clause* which confers jurisdiction upon Courts at Delhi, the respondents also have their registered office at Delhi.

6. Notice was issued to the respondent. Despite service, there was no appearance from their side and, therefore, their right to file any reply/written statement was closed. They are being proceeded *ex-parte* in the present proceedings.

7. The scope of appreciation in a petition under Section 11(6) of *Arbitration and Conciliation Act, 1996* is very narrow and constricted. Reference be made to *SBI General Insurance Co. Ltd. v. Krish Spinning*: 2024 SCC OnLine SC 1754 which, *inter alia*, lays down that the referral Courts, while deciding such like applications, must not conduct any intricate evidentiary enquiry with respect to issue of limitation and should leave the same for determination by the Arbitrator.

8. Therefore, needless to say, during the arbitral proceedings, the petitioner would be required to effectively demonstrate that his claim is within the period of limitation.

9. In view of the above and keeping in mind the fact that respondent has not chosen to defend the matter, the present petition stands disposed of with

Signature Not Verified
Digitally Signed
By:SONIA THAPLIYAL
Signing Date:05.10.2026
15:42:57

the following directions:-

i) The disputes between parties concerning said agreement dated 29.11.2010 are referred to arbitration.

ii) Ms. Brinda Batra, Advocate (D-9279/2019) (Mobile No. +91 7088660033), 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 *the Act* prior to entering into the reference.

v) All the rights and contentions of the parties are left open for adjudication by the learned Arbitrator.

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

(MANOJ JAIN)
JUDGE

OCTOBER 1, 2026/ss/sa

Signature Not Verified
Digitally Signed
By:SONIA THAPLIYAL
Signing Date:05.10.2026
15:42:57