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

+ **ARB.P. 1969/2025**

**MR. AVINASH PATHAK**

.....Petitioner

Through: Ms. Manya Goel, Mr. Rahul Rai, Mr. Kajal Keshwani, Mr. Vishal Bhardwaj, Mr. Kanishk and Mr. Paras Sharma, Advocates  
Mob: 9560268663

versus

**MR. MANOJ AGGARWAL & ANR.**

.....Respondents

Through: Mr. Parthesh Bhardwaj and Ms. Jagriti Jain, Advocates for respondents

**CORAM:**

**HON'BLE MS. JUSTICE MINI PUSHKARNA**

**ORDER**  
**23.01.2026**

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1. The present is a petition filed under Section 11(6) of the Arbitration and Conciliation Act, 1996 ("Arbitration Act") seeking appointment of a Sole Arbitrator for adjudication of disputes between the parties, arising out of the Partnership Deed dated 08<sup>th</sup> November, 2019 ("Partnership Deed").
2. The aforesaid Partnership Deed was executed between the parties, thereby, recording the petitioner along with both the respondents as partners, for the partnership business under the name and style of "*M/s Innovation Tech*".
3. The Arbitration Clause is contained in Clause 21 of the Partnership Deed, and the same is reproduced as under:



“xxx xxx xxx

*21. That all the disputes and matters connected with this partnership deed or this partnership firm arising among the parties hereto, whether during or after this partnership, will be referred to arbitration and provisions of Indian Arbitration Act, 1940 then in force will apply. That the provisions of the Indian Partnership Act, 1932 shall otherwise be applicable and all Jurisdiction will be at Delhi.*

xxx xxx xxx”

4. Since there are disputes between the parties, the petitioner had invoked the aforesaid Arbitration Clause by issuing a notice dated 12<sup>th</sup> May, 2025 under Section 21 of the Arbitration Act, thereby, proposing the appointment of a Sole Arbitrator.
5. The aforesaid notice was duly served upon the respondents. However, despite the service, the respondents failed to reply or take any steps, in this regard.
6. Learned counsel for the petitioner submits that between the same parties, another arbitration proceeding is going on, wherein, Ms. Rachita Garg, Advocate has been appointed as a Sole Arbitrator, by way of order dated 15<sup>th</sup> December, 2025 passed by this Court in *ARB. P. 1973/2025*. She, thus, submits that the same Arbitrator be appointed in the present case as well.
7. Learned counsel puts in appearance on behalf of the respondents and submits that he has no objection to the appointment of an Arbitrator and that the same Sole Arbitrator, as aforesaid, can be appointed herein also.
8. Considering the submissions made before this Court and upon perusal of the documents, this Court notes that the respondents have no objection to the appointment of an Arbitrator.
9. This Court is satisfied that there exists a valid Arbitration Clause.



There are pending disputes between the parties, which need to be adjudicated through the arbitral mechanism.

10. This Court also takes note of the submissions made on behalf of the parties that in the present case, the same Arbitrator can be appointed and proceedings can be held under the aegis of the Delhi International Arbitration Centre (“DIAC”), as in the earlier proceedings pending between the parties.

11. Accordingly, for the reasons as aforesaid, the present petition is allowed and the following directions are issued:

- i) Ms. Rachita Garg, Advocate, (Mobile No.: +91-7838066417) is appointed as a Sole Arbitrator to adjudicate the disputes between the parties.
- ii) The arbitration proceedings shall be held under the aegis and Rules of DIAC, Delhi High Court, Sher Shah Road, New Delhi.
- iii) The remuneration of the Sole Arbitrator shall be in terms of DIAC (Administrative Cost and Arbitrators’ Fees) Rules, 2018.
- iv) The Sole Arbitrator is requested to furnish a declaration in terms of Section 12 of the Arbitration Act prior to entering into the reference. In the event of any impediment to the Arbitrator’s appointment on that count, the parties are given liberty to file an appropriate application before this Court.
- v) It shall be open to the respondents to raise counter-claims, if any, in arbitration proceedings.
- vi) It is made clear that all the rights and contentions of the parties, including, as to the arbitrability of any of the claim, any other preliminary objection, as well as claims/counter-claims and merits of



the dispute of either of the parties, are left open for adjudication by the Sole Arbitrator.

- vii) The parties shall approach the Sole Arbitrator within two (02) weeks, from today.
12. Needless to state, nothing in this order shall be construed as an expression of this Court on the merits of the case.
13. The present petition is disposed of in the aforesaid terms.
14. The Registry is directed to send a copy of this order to the Secretary, DIAC for information and compliance.

**MINI PUSHKARNA, J**

**JANUARY 23, 2026/au**