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

\# **CNR No. DLHC010400272026**

\+ ARB.P. 1524/2026

UNTHINKABLE SOLUTIONS LLP .....Petitioner

Through: Mr. Abhay Pratap Singh, Advs.

versus

ESSUMO TECHNOLOGIES PRIVATE LIMITED .....Respondent

Through: Mr. Aditya Laroyia and Ms. Somakshi Gupta, Advs.

CORAM:
HON'BLE MR. JUSTICE OM PRAKASH SHUKLA

JUDGMENT(ORAL)

% 02.11.2026

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

2. Both parties are *ad idem* that the matter may be referred to arbitration.

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.

[1] "Act" hereinafter

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

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5. Therefore, in the aforesaid circumstances, this Court finds no impediment in appointing a Sole Arbitrator.

6. The Respondent is also not disputing the arbitration clause. He only submits that the Arbitrator has to be appointed by Delhi International Arbitration Centre ("DIAC").

7. Accordingly, DIAC is directed to appoint a Sole Arbitrator to adjudicate the disputes arisen between the parties within one week. The learned Sole Arbitrator shall enter upon the reference within three weeks from the date of appointment by the DIAC.

8. 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.

9. The arbitration shall be carried under the rules and aegis of DIAC. The learned Arbitrator shall be entitled to fees as per the Schedule of Fees maintained by the DIAC.

10. 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.

11. It is clarified that the observations made herein are only for the purpose of deciding the present petition under Section 11 of the Act.

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The learned Sole Arbitrator shall adjudicate the disputes independently and on their own merits, uninfluenced by any observations contained in the present order.

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

OM PRAKASH SHUKLA, J

NOVEMBER 2, 2026/gunn

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