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

\# **CNR No. DLHC010342002026**

\+ ARB.P. 1284/2026

MS. URMILA DHANGER .....Petitioner

Through: Mr. Vinam Gupta and Mr. Nishant Anshul, Advs.

versus

M/S NEO DEVELOPERS PVT. LTD .....Respondent

Through: Adv. (appearance not given).

CORAM:
HON'BLE MR. JUSTICE OM PRAKASH SHUKLA

JUDGMENT(ORAL)

% 06.11.2026

1. The present petition has been filed under Section 11 of the Arbitration and Conciliation Act, 1996[1] seeking appointment of an independent Sole Arbitrator to adjudicate the disputes between the parties under the Memorandum of Understanding[2] executed between the parties dated 17.04.2018.

2. Learned Counsel appearing for the Respondent submits that she has no objection if dispute is confined to the aforesaid prayer and if learned Arbitrator is to be appointed to adjudicate the dispute arising from the MOU dated 17.04.2018.

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

[1] "Act" hereinafter
[2] "MoU" hereinafter

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facie existence of an arbitration agreement.

4. In the present case, there is no dispute with regard to the existence of a valid arbitration clause between the parties.

5. Further, the parties are *ad idem* with respect to the reference of the disputes to arbitration. In the aforesaid circumstances, this Court finds no impediment in appointing a Sole Arbitrator.

6. Accordingly, Mr. Tushar Mahajan, Advocate (Mob. No.8802290930) is appointed as a learned Sole Arbitrator to adjudicate the disputes arisen between the parties. The learned Sole Arbitrator shall enter upon the reference within three weeks from today.

7. 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.

8. The arbitration shall be carried under the rules and aegis of Delhi International Arbitration Centre ("DIAC"). The learned Arbitrator shall be entitled to fees as per the Schedule of Fees maintained by the DIAC.

9. It shall be open to the parties to raise all pleas, including, before the learned Sole Arbitrator including with respect to the impleadment

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of parties, objection as to arbitrability and jurisdiction before the learned Sole Arbitrator, who shall consider the same in accordance with law.

10. It is clarified that the observations made herein are only for the purpose of deciding the present petition under Section 11 of the Act. The learned Sole Arbitrator shall adjudicate the disputes independently and on their own merits, uninfluenced by any observations contained in the present order. Needless to state, the reference to arbitration shall remain confined to the subject matter and the relief sought in the present petition.

11. The Registry is directed to send a receipt of this order to Mr. Tushar Mahajan, learned Arbitrator through all permissible modes including email.

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

OM PRAKASH SHUKLA, J

NOVEMBER 6, 2026/at

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