



2026:DHC:8920



\$~16

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**# **CNR No. DLHC010350312026**+ **ARB.P. 1326/2026 & I.A. 20757/2026****COMENTAG PROMOTIONAL PRODUCTS THROUGH
ITS PARTNER GAURAV GUPTA**

.....Petitioner

Through: **Ms. Teena Kataria and Mr.
Sourav Kumar, Advs.**

versus

**B9 BEVERAGES PVT. LTD COMPANY THROUGH ITS
DIRECTORS**

.....Respondent

Through: **None.****CORAM:****HON'BLE MR. JUSTICE OM PRAKASH SHUKLA****JUDGMENT(ORAL)**

%

06.10.2026

1. It appears that service is sufficient in the present petition, however, none has appeared on behalf of Respondent.

2. It is well settled that while exercising jurisdiction under Section 11 of the Arbitration and Conciliation Act of 1996¹, the scope of enquiry is confined to examining the *prima facie* existence of an arbitration agreement.

3. In these circumstances, this Court finds no impediment in appointing an arbitrator.

¹ "Act" hereinafter



2026:DHC:8920



4. The claim amount in the present petition is approximately Rs.14,89,000/-
5. In the present case, there is no dispute with regard to the existence of a valid arbitration clause between the parties.
6. Accordingly, Mr. Nilendu Vatsyayan, Advocate (Mob. No.9999050853) 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 objection as to arbitrability and jurisdiction, before the learned Sole Arbitrator who shall decide the same in accordance with law.
10. It is clarified that the observations made herein are only for the



2026:DHC:8920



purpose of deciding the present petition under Section 11(6) of the Act. The learned Sole Arbitrator shall adjudicate the disputes with claims and counter claims independently and on their own merits, uninfluenced by any observations contained in the present order.

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

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

OM PRAKASH SHUKLA, J

OCTOBER 6, 2026/at