



2026:DHC:8915



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**# **CNR No. DLHC010416752026**+ **ARB.P. 1584/2026****AVS TECH BUILDING SOLUTIONNS**PetitionerThrough: Mr. Pranav Krishna and Ms.
Srishti Mayank, Advs.

versus

M/S PARNIKA COMMERCIAL AND ESTATES PVT. LTD.

.....Respondent

Through: Mr. Rudraksh Gupta, Adv.

CORAM:**HON'BLE MR. JUSTICE OM PRAKASH SHUKLA****JUDGMENT(ORAL)**% **06.10.2026**

1. Both parties are *ad idem* that the matter may be referred to Mediation and Conciliation Centre to explore the possibility of an amicable settlement.

2. Acceding to the same, the matter is referred to Delhi High Court Mediation and Conciliation Centre (*SAMADHAN*) and the parties are directed to appear in-person or through their authorized representative along with their respective Counsel before the Mediation Centre on 13.10.2026.

3. Three weeks' time is granted for exploring the possibility of settlement through mediation.

4. In case mediation fails, the parties are also *ad idem* with respect to reference of the disputes to arbitration.

5. The only submission advanced by learned Counsel appearing on

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Page 1 of 3



2026:DHC:8915



behalf of the Respondent is that the issues of arbitrability and jurisdiction be left open.

6. It is well settled that while exercising jurisdiction under Section 11 of the Arbitration and Conciliation Act, 1996¹, the scope of enquiry is confined to examining the *prima facie* existence of an arbitration agreement².

7. In the present case, there is no dispute with regard to the existence of a valid arbitration agreement between the parties. In the aforesaid circumstances, this Court finds no impediment in appointing a Sole Arbitrator.

8. The claimed amount is stated to be Rs.78.97 lakhs approx.

9. Accordingly, Mr. Ritik Malik, Advocate (Mob. No.9999653611) 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 the date of the mediation report recording failure of settlement.

10. The learned Sole Arbitrator will proceed to the arbitration proceedings subject to furnishing requisite disclosures as required under Section 12(2) of the Act.

11. The arbitration shall be carried under the rules and aegis of

¹ "Act" hereinafter

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



2026:DHC:8915



DIAC. The learned Arbitrator shall be entitled to fees as per the Schedule of Fees maintained by the DIAC.

12. It shall be open to the parties to raise all pleas, including objection as to arbitrability, jurisdiction and limitation etc., before the learned Sole Arbitrator who shall decide the same in accordance with law.

13. Upon entering upon the reference, the learned Sole Arbitrator is requested to consider and decide any preliminary objections raised by the Respondent, at the earliest, in accordance with law.

14. It is clarified that the observations made herein are only for the 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.

15. The Registry is directed to send a receipt of this order to Mr. Ritik Malik, learned Arbitrator through all permissible modes including email.

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

OM PRAKASH SHUKLA, J

OCTOBER 6, 2026/gunn

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Page 3 of 3