



2026:DHC:8925



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**# **CNR No. DLHC010311582026**+ **ARB.P. 1178/2026****SUNSTONE EDUCATION TECHNOLOGY PVT. LTD.****(NOW KNOWN AS ELEVATE EDUCATION****TECHNOLOGY PVT. LTD.)**

.....Petitioner

Through: Mr. Ankit Anandraj Shah, Mr.
Ankit Kumar Tiwari and Ms.
Tanushree Karnawat,
Advocates.

versus

ATLASTDEAL INTERNATIONAL COLLEGE PVT. LTD.

.....Respondent

Through: None.

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

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07.10.2026

1. Service is sufficient. However, no one has entered appearance on behalf of the Respondent.

2. By way of this petition under Section 11 of the Arbitration and Conciliation Act of 1996¹, the Petitioner seeks appointment of an Arbitrator for the resolution of disputes arising out of Memorandum of Understanding dated 03.07.2021². Clause 11 of the MOU contains the arbitration clause, as follows:

"11) Any dispute arising out of this MOU shall be settled amicably

¹ "Act" hereinafter

² "MOU" hereinafter



2026:DHC:8925



by the parties within one month from the date of dispute. However, if the party fails to resolve the dispute, it shall be referred to and settled by an Arbitrator, to be appointed by mutual consent of both the parties. The arbitration proceedings shall be held in accordance with the Arbitration and Conciliation Act, 1996 (As amended from time to time). The decision of the Arbitrator shall be final and binding upon the parties. The venue of the arbitration parties shall be at New Delhi.”

3. This Court, while exercising jurisdiction under Section 11 of the Act, is only concerned with the *prima 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. Therefore, this Court finds no impediment in appointing a Sole Arbitrator.

5. Accordingly, Mr. Abhishek Mahajan, Advocate (Mob. No.9810981062) 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.

6. 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.

7. 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



2026:DHC:8925



maintained by the DIAC.

8. It shall be open to the parties to raise all pleas including but not limited to objections as to arbitrability and jurisdiction, before the learned Sole Arbitrator who shall decide the same in accordance with law.

9. 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 independently and on their own merits, uninfluenced by any observations contained in the present order.

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

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

OM PRAKASH SHUKLA, J

OCTOBER 7, 2026/pa