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

\# **CNR No. DLHC010407372026**

\+ ARB.P. 1549/2026

KUMAR VIHAAN .....Petitioner

Through: Ms. Sonal Alagh, Advocate.

versus

NARAYAN BAHIRU PAWAR & ANR. .....Respondents

Through: Mr. Abhishek Vikram, Ms. Vasundhra Chauhan & Mr. Nirmal, Advocates for R-1
Appearance not given for R-2.

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\# CNR No. DLHC010407392026

\+ ARB.P. 1550/2026

KUMAR VIHAAN .....Petitioner

Through: Ms. Sonal Alagh, Advocate.

versus

RUTUJA GIRISH PAWAR & ANR. .....Respondents

Through: Mr. Abhishek Vikram, Ms. Vasundhra Chauhan & Mr. Nirmal, Advocates for R-1.
Appearance not given for R-2.

CORAM:
HON'BLE MR. JUSTICE PRATEEK JALAN

O R D E R

% 14.10.2026

1. By way of these two petitions, under Section 11(6) of the Arbitration and Conciliation Act, 1996 ["the Act"], the petitioner seeks appointment of arbitrators, to adjudicate disputes arising between the

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parties under similar Buy-Back Agreements, both dated 16.11.2022 ["the Agreements"].

2. I have heard learned counsel for the parties.

3. The petitioner is common to both petitions, as is respondent No.2 - Arthmatetech Private Limited, [hereinafter, "the Company"]. The Agreements contemplate buy-back of shares in the Company, which are held by two individuals, each of whom is impleaded as respondent No. 1 in these two petitions.

4. The Agreements contain identical arbitration clauses [Clause 11.3], which provide for adjudication of disputes by arbitration of a three-member Tribunal, with one member to be appointed by the "*Investor*" [respondent No. 1 in both petitions], and another to be appointed by the petitioner and the Company jointly. The clauses contemplate that the two nominated arbitrators would jointly appoint the third arbitrator, who shall act as the presiding arbitrator. Under the Agreements, New Delhi has been designated as the venue and the seat of the arbitration, and Courts in New Delhi have been vested with exclusive jurisdiction.

5. The arbitration clause was invoked by the petitioner through separate legal notices dated 02.07.2026, addressed to respondent No. 1 in both petitions.

6. Although the notices contemplated appointment of Mr. Aslam Ahmed, Advocate, as the sole arbitrator, having regard to the terms of the Agreements, Ms. Sonal Alagh, learned counsel for the petitioner, and learned counsel for the Company, state that Mr. Aslam Ahmed, Advocate, may be regarded as their nominee arbitrator in both matters.

7. Mr. Abhishek Vikram, learned counsel for respondent No.1, upon

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instructions from respondent No.1 in both petitions, submits that Hon'ble Ms. Justice Usha Mehra (Retd.), former Acting Chief Justice of this Court, has consented to act as the nominee arbitrator of respondent No. 1 in both matters.

8. In view of the above, learned counsel for the parties agree that no arbitral appointment is required by this Court, and the two nominated arbitrators be requested to appoint the presiding arbitrator, in accordance with law. It is also stated by them that the arbitrations may be conducted under the aegis and rules of the Delhi International Arbitration Centre, including as to the remuneration of the learned Arbitrators.

9. Accordingly, the petition is disposed of, with the consent of learned counsel for the parties.

10. Needless to say, in the event of any difficulty with regard to the appointment of the presiding arbitrator, the parties may approach this Court afresh under Section 11 of the Act.

PRATEEK JALAN, J

OCTOBER 14, 2026
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