



2026:DHC:5557



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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision : 08.07.2026+ O.M.P.(I) (COMM.) 513/2025

EASTERN CAFE AND

RESTAURANTS PVT LTD & ANR.

.....Petitioners

Through: Mr. Arjun Minocha, Advocate.

versus

ENIVERSE HOSPITALITY LLP & ANR.

.....Respondents

Through: Ms. Tanisha Verma, Advocate.

Mr. Parth Gautam and Ms. Divyanshu
Rathi, Advocates for R2.**CORAM:****HON'BLE MR. JUSTICE SACHIN DATTA****SACHIN DATTA, J. (ORAL)**

1. Vide order dated 15.04.2026 passed in the present proceedings, it was recorded as under:

"1. Ms. Tanisha Verma, learned counsel appearing on behalf of respondent no.1 submits that an affidavit has been filed by respondent no.1 in terms of order dated 20.02.2026 stating that respondent no.1 has closed the restaurant and is no more using the offending brand name. The statement is taken on record and respondent no.1 is bound down to the same.

2. At this stage, Mr. Arjun Minocha, learned counsel appearing on behalf of the petitioners submits that the present petition has been filed under Section 9 of the Arbitration and Conciliation Act, 1996 and there are other claims as well. He urges that an arbitrator may be appointed in the present petition itself and the disputes be referred to him.

3. Ms. Verma prays for an adjournment to seek instructions in that behalf. Let needful be done before the next date.

4. Re-notify on 30.04.2026."



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2. It is acceded by the petitioners that the respondent no.2 is not the party to the concerned arbitration agreement and that the said respondent was impleaded as a party in the instant petition merely because the petitioner was aggrieved by the fact that the concerned restaurant was being operated from the premises of the respondent no.2.
3. Since the said restaurant has been closed, the petitioner accedes that the respondent no.2 be deleted from the array of parties. It is directed accordingly.
4. Learned counsel for the petitioners presses for further interim order/s against the respondent no.1, inasmuch as according to him, a substantial amount of royalty fees is recoverable from the respondent no.1.
5. After some hearing, it is agreed by the learned counsel for the petitioners and the learned counsel for the respondent no.1, on instructions, that since the existence of the arbitration agreement is not disputed, an independent sole arbitrator be appointed in these proceedings to adjudicate the disputes between the parties.
6. Accordingly, at joint request, Ms. Justice (Retd.) Pratibha Rani, former Judge, Delhi High Court (Mob. No.: +91 9910384626) is appointed as the Sole Arbitrator to adjudicate the disputes between the parties.
7. The respondents shall be at liberty to raise preliminary objections as regards arbitrability/jurisdiction, if any, which shall be decided by the arbitrator, in accordance with law.
8. The learned Sole Arbitrator may proceed with the arbitration proceedings subject to furnishing to the parties the requisite disclosure as required under Section 12 of the A&C Act.
9. Let the arbitration take place under the aegis of and as per the rules of



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the Delhi International Arbitration Centre (DIAC).

10. All rights and contentions of the parties in relation to the claims/counter claims are kept open, to be decided by the learned Sole Arbitrator on their merits, in accordance with law.

11. Since the arbitral tribunal stands constituted, it is directed that the present petition under Section 9, shall be treated as an application under Section 17, to be considered by the learned sole arbitration in accordance with law.

12. Needless to say, nothing in this order shall be construed as an expression of opinion of this court on the merits of the case.

13. The present petition stands disposed of in the above terms.

SACHIN DATTA, J

JULY 8, 2026/at/ka