



2026:DHC:7449



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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: 31.08.2026

CNR No.DLHC010403192026

+ ARB.P. 1533/2026

M/S PAWAN KUMAR

.....Petitioner

Through: Mr. Vijay Kumar and Mr. Sandeep
Singh Mahar, Advocates.

versus

PUBLIC WORK DEPARTMENT, GNCTD THROUGH THE

EXECUTIVE ENGINEER, HMD (C), UNIT-I, PWD Respondent

Through: Mr. Ganesh Yashwant Tidke,
Assistant Engineer (P) (ID Card
No.26/2024), Public Works
Department, Government of Delhi.**CORAM:****HON'BLE MR. JUSTICE SACHIN DATTA****SACHIN DATTA, J. (Oral)****IA No.23471/2026 (Exemption)**

1. Allowed, subject to all just exceptions.
2. The application stands disposed of.

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3. The present petition has been filed under Section 11(6) of the Arbitration and Conciliation Act, 1996 (“A&C Act”) seeking appointment of a sole Arbitrator to adjudicate the disputes between the parties.
4. The disputes between the parties have arisen in the context of Agreement No. 73/EE/HMD(Central)/2018-19 executed between the parties, in respect of the work of construction of Effluent Treatment Plant (“ETP”)

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at MAMC, diversion of sewer line from residential quarters of G.B. Pant to Police Post, construction of collection tank at Mortuary for diversion of sewage to ETP at P.G. Women's Hostel, distribution of water supply line for treated water flushing, AC Cooling Tower and horticulture gardening to attain zero discharge at MAMC.

5. Clause 25 of the said Agreement contains the arbitration agreement between the parties.

6. Disputes having arisen between the parties, a notice of invocation dated 17.06.2026 was issued by the petitioner to the respondent. The same reads as under:

“17.06.2026

THROUGH SPEED POST/EMAIL

*The Chief Engineer,
PWD Health Zone,
2nd Floor, MSO Building, I.P. Estate,
New Delhi-110002
Email: cepwddelhibpzb2@gmail.com*

Subject: Notice under Clause 25 of the Agreement read with Section 21 of the Arbitration & Conciliation Act, 1996 for seeking appointment of an Arbitrator for adjudication of disputes regarding:

Name of Work: - Construction of Effluent treatment plant at MAMC Diversion of sewer line from residential quarters of G.B. Pant to Police Post, C/o collection tank at Mortuary for diversion of sewage to ETP at P.G. Women's Hostel, distribution of water supply line for treated water flushing, AC Cooling tower and horticulture gardening to attain zero Discharge at MAMC.

[Agreement No. 73/EE/HMD(C)/2018-19]

Ref:

- a) Our last letter dated 25.05.2026 amongst others.*
- b) Alleged Final Bill*

Dear Sir,

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It is in continuation to our last letter dated 25.05.2026 amongst others, for settlement of disputes under Clause 25 of the Agreement which proved abortive for want of your response to the said letters, it is pertinent to mention that our all previous letters amongst the last letter dated 25.05.2026, proved abortive.

2) Now at this stage, aggrieved with your non-response on the subject matter, we are constrained to move this instant application

*For Pawan Kumar
Sd/-
Prop./Auth. Sign."*

7. No response thereto was given by the respondent to the petitioner.
8. In the circumstances, the present petition has been filed.
9. Issue notice.
10. The aforesaid authorized representative of the respondent accepts notice, on behalf of the respondent, and submits, on instructions, that he has no objection to an independent sole Arbitrator being appointed to adjudicate the disputes between the parties. The same is also mandated in terms of the dicta laid down by the Supreme Court in **Perkins Eastman Architects DPC v. HSCC (India) Ltd.**, (2020) 20 SCC 760, **TRF Limited v. Energo Engineering Projects Ltd.** (2017) 8 SCC 377, and **Bharat Broadband Network Limited v. United Telecoms Limited**, 2019 SCC OnLine SC 547 and **Hindustan Construction Co. Ltd. v. Bihar Rajya Pul Nirman Nigam Ltd.**, (2026) 3 SCC 264.
11. Accordingly, Ms. Justice (Retd.) Deepa Sharma (Mob No. +91 9910384631), former judge, High Court of Delhi, is appointed as the Sole Arbitrator to adjudicate the disputes between the parties.
12. The learned Sole Arbitrator may proceed with the arbitration proceedings subject to furnishing to the parties the requisite disclosure as



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required under Section 12 of the A&C Act.

13. Let the arbitration take place under the aegis of and as per the rules of DIAC.

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

15. The respondent shall be entitled to raise preliminary objections as regards jurisdiction/ arbitrability, which shall be decided by the learned Sole Arbitrator, in accordance with law.

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

17. The petition stands disposed of in the above terms.

SACHIN DATTA, J

AUGUST 31, 2026/r, sd