



\$~73

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

CNR No. DLHC010409102026

+ CM(M) 1917/2026 & CM APPL. 58684/2026 & CM APPL.
58685/2026 & CM APPL. 58683/2026

DELHI URBAN SHELTER IMPROVEMENT BOARD.....Petitioner

Through: Mr. Ajay Vikram Singh,
Mrs. Priyanka Singh, Mr. M Aamir
Faiyaz and Mr. Rehan Khan,
Advocates

versus

SINTEX PREFAB AND INFRA LIMITED Respondent

Through: Ms. Diya Kapur, Sr. Advocate with
Mr. Aman Raj Gandhi, Ms. Saloni
Kumar, Mr. Chattanya Sharma,
Mr. Ananya Pratap Singh,
Mr. Raghav Kumar, Mr. Naibedya
Dash and Ms. Shruti Jain, Advocates

CORAM:

HON'BLE MR. JUSTICE AJAY DIGPAUL

ORDER

01.09.2026

%

1. Through the present petition, the petitioner seeks to challenge the Procedural Order No. 6 dated 04.08.2026 passed by the learned sole arbitrator wherein the adjudication on the petitioner's objections under section 16(5) of the Arbitration and Conciliation Act, 1996 regarding maintainability and prematurity of the respondent's claims was deferred, and no preliminary determination was made.



2. The brief facts of the case, succinctly stated are as follows –
3. The parties herein, on 12.03.2012, executed a contract of construction of 7,620 (G+4) Five Storeyed Low-Cost Housing Units under JNNURM Scheme for Slum Dwellers at Savda-Ghewra, Phase-III Delhi. The contract is stated to have covered the construction of 3,560 EWS houses along with the allied civil, electrical, water supply and sewage works.
4. However, post the execution of the contract, certain disputes arose between the parties *qua* completion, quality and performance of the works, and the Final Completion Certificate dated 10.08.2020 was issued by the petitioner to the respondent.
5. It is stated that the disputes between the parties continued due to which respondent sought to initiate arbitration, and filed an application under section 11(6) of the Arbitration Act. The application came to be allowed by this Court on 14.08.2025 and the learned sole arbitrator was appointed.
6. The petitioner challenged the order of this Court dated 14.08.2025 before the Hon'ble Supreme Court, and the Hon'ble Supreme Court, *vide* order dated 14.07.2026 disposed of the SLP by noting that the contentions of arbitrability and jurisdiction are to be decided by the arbitrator.
7. The respondent/claimant filed his statement of claim against which the petitioner filed his statement of defense, purportedly raising the objection of prematurity and maintainability of the arbitral proceedings. Thereafter, the petitioner filed his list of proposed issues on 04.05.2026, pursuant to which, the learned sole arbitrator, on 14.05.2026, framed an issue, among others, *qua* the maintainability/arbitrability of the claims. The parties were directed to file their Affidavits of evidence by 30.06.2026, and



the cross examination was scheduled for 13.07.2026 and 14.07.2026.

8. The petitioner filed an application under section 16(5) of the Arbitration Act *inter-alia* raising preliminary objections *qua* the prematurity, maintainability and arbitrability of the claims, against which the respondent filed his reply.

9. The application came to be dismissed *vide* the impugned order dated 04.08.2026 wherein the learned sole arbitrator noted that as an issue *qua* the maintainability, prematurity and arbitrability has already been framed, no independent determination of the same under section 16(5) was required, and that the issue will be accordingly decided after the completion of evidence.

10. The learned counsel for the petitioner has submitted that the learned sole arbitrator has erred in not deciding the petitioner's objections which go to the root of the case, and instead directing that the same will be adjudicated at a belated stage such as final arguments.

11. He has further submitted that a successful jurisdictional challenge under section 16 of the Arbitration Act would render the learned sole arbitrator *functus* officio and consequently render the arbitration proceedings otiose. Thus, despite noting that the objection has been filed within time, the learned sole arbitrator has erred in deferring adjudication of the same.

12. *Per contra*, the learned senior counsel appearing for the respondent has submitted that this Court's limited jurisdiction, and exercise thereof, in arbitration cases is well settled, and that the present petition is not maintainable in view of an alternative remedy under section 34 of the Arbitration Act.

13. She has also placed on record the Procedural Order no. 8 dated



06.08.2026 and has submitted that the petitioner/respondent's witnesses have been discharged post cross-examination, and that the matter is scheduled for final hearing on 03.09.2026 and 09.09.2026, wherein as per the impugned order, the objections of the petitioner will duly adjudicated.

14. The limited scope of this Court's jurisdiction while considering a challenge arising from the dismissal of objections under Section 16 of the Arbitration and Conciliation Act, 1996, is well settled.

15. Nevertheless, in view of the uncontroverted submission of learned senior counsel for the respondent that the underlying arbitration proceedings are presently at the stage of final arguments, where the objections raised by the petitioner can be duly considered and adjudicated, this Court is of the opinion that since the issue has been kept open, and is at the appropriate stage of adjudication, no cause survives for interference in the present petition.

16. Accordingly, the present petition along with pending applications, if any, is dismissed.

17. It is made clear that this Court has not expressed its views on the merits of the matter.

AJAY DIGPAUL, J

SEPTEMBER 1, 2026

gs/sg