



\$~10

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

+ ARB.P. 1197/2024

M/S JIANGXI CONSTRUCTION ENGINEER
(GROUP) CO. LIMITED - NIRMAL
BUILDINFRA PRIVATE LIMITED (JV)

.....Petitioner

Through: Mr. Prakash Pandey, Advocate.

versus

NATIONAL HIGHWAYS
AUTHORITY OF INDIA

.....Respondent

Through: Mr. Santosh Kumar, SC with Mr.
Adithya Ramani, Advocate.
Mr. Prashant Rawat, GP and Mr.
Kabir Singh, Advocates.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

%

22.08.2024

1. By way of this petition, under Section 11 of the Arbitration and Conciliation Act, 1996 [“the Act”], the petitioner seeks appointment of an arbitrator in *lieu* of the arbitrator to be nominated by the respondent for adjudication of disputes under an EPC Contract Agreement dated 06.01.2020.
2. While invoking arbitration, the petitioner has nominated Shri Kamlesh Kumar, former Additional Director General, Ministry of Road Transport & Highways, as its nominee of the Arbitral Tribunal.
3. Mr. Santosh Kumar, learned counsel for National Highways Authority of India [“NHAI”], states that NHAI has since nominated

ARB.P. 1197/2024

Page 1 of 2



Hon'ble Mr. Justice Vipin Sanghi, former Chief Justice of Uttarakhand High Court, as its nominee arbitrator.

4. In these circumstances, learned counsel for the parties submit that the petition may be disposed of, as the constitution of the Arbitral Tribunal will be complete upon nomination of the Presiding Arbitrator by the two nominated arbitrators.

5. The petition is disposed of with these observations.

PRATEEK JALAN, J

AUGUST 22, 2024
SS/