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

+ W.P.(C) 1915/2025 and CM APPL.9019/2025
NATIONAL HIGHWAY INFRASTRUCTURE DEVELOPMENT
CORPORATION LTDPetitioner

Through: Mr. Avneesh Garg, Mr. Utkarsh
Sharma, Ms. Pavitra Singh, Mr. Harsh
Pal and Ms. Iptisha, Advs.

versus

NSPR VKJ JV & ORS.Respondents

Through: Dr. Amit George and Mr. Shashwat
Kabi, Advs. for R-1, 2 and 3.
Ms. Astha Sharma and Ms. Astha
Sehgal, Advs. for R-5.

CORAM:
HON'BLE MR. JUSTICE SACHIN DATTA

ORDER
29.04.2025

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1. The present petition seeks to assail an order dated 14.01.2025 passed by the respondent no.5 i.e., Society for Affordable Redressal of Disputes (SAROD) whereby the application filed by the petitioner under Rule 16 of the SAROD Arbitration Rules to substitute the presiding Arbitrator of a three-member Arbitral Tribunal, constituted to adjudicate the dispute that had arisen between the petitioner and respondent no.1/ M/s NSPR-VKJ (JV), was rejected.
2. The assertion of the petitioner is that the presiding arbitrator in the ongoing arbitration between the parties suffers from a legal disability as a result of which he is disqualified to act as an arbitrator. It is acceded by the petitioner that Section 14 of the Arbitration and Conciliation Act, 1996 (hereinafter referred as '*the A&C Act*') enables the petitioner to file an



appropriate petition alleging *dejure* or *defacto* inability of an arbitrator.

3. In the circumstances, after some hearing, the petitioner seeks to withdraw the present petition with liberty to file an appropriate petition under Section 14 of the A&C Act.

4. The present petition is, accordingly, disposed of with the aforesaid liberty.

5. Needless to say, the respondents shall be entitled to oppose any petition under Section 14 of the A&C that may be filed by the petitioner. It is further made clear that this order shall not be construed as an expression of opinion of this Court on the merits of any such petition.

SACHIN DATTA, J

APRIL 29, 2025/cl