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

+ **ARB.P. 576/2025 & I.A. 8308/2025**

**BAL KISHAN CHANDILA**

.....Petitioner

Through: Mr. Sachin Chaudhary and Mr.  
Japneet Bhardwaj, Advocates

versus

**M/S.GOPAL PRIYA CONSTRUCTION INDIA PVT. LTD.**

.....Respondent

Through: None

**CORAM:**

**HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA**

**ORDER**

% **11.07.2025**

1. This is a petition filed under Section 11(5) of the Arbitration and Conciliation Act, 1996 ('Act of 1996') seeking appointment of a Sole Arbitrator.
2. Learned counsel for the petitioner states that disputes have arisen between the parties in pursuance to the transaction which is the subject matter of the Work Order dated 06.08.2020.
3. He states that the arbitration clause is set out at Clause 11 of the Work Order. He further states that Clause 12 of the Work Order records that the Courts at Delhi will have jurisdiction.
4. He states that the arbitration clause was duly invoked vide notice dated 30.10.2024.
5. He states that the notices issued in this petition have been duly served on the respondent through ordinary process.



He states that service through speed post has also been delivered and affidavit of service to this effect will be filed within two days.

6. He states that the value of the claim is Rs. 70 lakhs approximately and prays that the matter be conducted under the aegis of the Delhi International Arbitration Centre (DIAC) and an Advocate be appointed as a Sole Arbitrator considering the value of the claim amount involved.

7. None appears on behalf of the respondent.

8. This Court has perused the office notings dated 23.05.2025, which records that e-mail issued by the Registry has been duly served on the respondent. In addition, this Court has perused the service of summons through ordinary process received from the process server of Civil Judge, Senior Division, Chandigarh, which records the service having been effected on the respondent on 20.05.2025.

9. In view of these facts, this Court is satisfied that respondents have been duly served with notice in this petition.

10. This Court has also perused clause 11 of the Work Order, which reads as under:-

**“11. ARBITRATION:**

All disputes of any kind whatever arising during the progress of work or after their completion, shall be settled by the Arbitrator appointed by the Employer under the provision of Arbitration and Conciliation Act, 1996 as amended from time to time.”

11. This Court is satisfied that there exists a valid arbitration agreement between the parties. Clause 12 also records that the disputes will be subject to the jurisdiction of New Delhi.

12. In view of the above, present petition is allowed and the disputes between the parties under the said agreement are referred to the arbitral



tribunal consisting of a sole arbitrator with the following directions:

- (i) Ms. Fareha Ahmad Khan, Advocate (Enrl. No. D-1872/2007) [Mobile No. 9810644877, e-mail ID: fareha.ahmadkhan@gmail.com] is appointed as Sole Arbitrator to adjudicate the disputes between the parties.
- (ii) The arbitration will be held under the aegis of the DIAC. The remuneration of the learned Sole Arbitrator shall be in terms of Schedule IV of the Act of 1996 as amended by DIAC Rules.
- (iii) The learned Sole Arbitrator is requested to furnish a declaration in terms of Section 12 of the Act of 1996 before entering into the reference.
- (iv) The Petitioner shall file its statement of claim within four (4) weeks as per the rules of DIAC.
- (v) It is made clear that all the rights and contentions of the parties, including as to the arbitrability of any of the claims, and/or counter claims, any other preliminary objection, as well as claims on merits of the dispute of either of the parties, are left open for adjudication by the learned arbitrator.
- (vi) List the matter before DIAC, for a preliminary hearing before the learned Arbitrator, on **03.09.2025 at 10.30 A.M.**

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

14. The petitioner is also directed to file affidavit of service within two (2) weeks with respect to service through speed post.

15. With the aforesaid direction, the petition stands disposed of.



16. The registry is directed to send a copy of this order to the Secretary, DIAC for information and compliance and the learned Sole Arbitrator.

17. The digitally signed copy of this order, duly uploaded on the official website of the Delhi High Court, [www.delhihighcourt.nic.in](http://www.delhihighcourt.nic.in), shall be treated as a certified copy of the order for the purpose of ensuring compliance. No physical copy of order shall be insisted by any authority/entity or litigant.

**MANMEET PRITAM SINGH ARORA, J**

**JULY 11, 2025/dy/AM**