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

+ **ARB.P. 592/2025**

**ECI ENGINEERING AND CONSTRUCTION COMPANY
LIMITED**Petitioner

Through: Mr. Sahil Sinha, Mr. Vipul Kumar
Sharma, Mr. Kushal Mishra and Ms. Stuti Jain,
Advocates.

versus

**NATIONAL HIGHWAYS AND INFRASTRUCTURE
DEVELOPMENT CORPORATION LIMITED**Respondent

Through: Mr. Anshul Rai and Ms. Mallika
Rajan, Advocates.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

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04.04.2025

I.A. 8723/2025 (Exemption)

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

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3. This petition is filed on behalf of the Petitioner under Section 11(6) of Arbitration and Conciliation Act, 1996 ('1996 Act') seeking appointment of an Arbitrator to adjudicate the disputes between the parties.
4. Issue notice.
5. Mr. Anshul Rai, learned counsel appearing on behalf of the Respondent, on advance copy of the petition, accepts notice and takes an objection to the maintainability of this petition on the ground that the same is premature. It is urged that Clause 26.1 of the Contract Agreement dated 09.04.2015, which is a Dispute Resolution Clause, envisages that in the



event of any dispute between the parties, in the first instance, parties will attempt to resolve the disputes amicably, in accordance with the conciliation procedure set forth in Clause 26.2 and only when the conciliation procedure fails, parties can invoke arbitration under Clause 26.3. It is submitted that in the present case, Petitioner has already submitted the disputes to the concerned Engineer, invoking the conciliation mechanism and the matter is pending and in fact, several claims have been accepted and therefore, this petition deserves to be dismissed at this stage. On instructions, it is further stated that every endeavour shall be made to conclude the conciliation process.

6. Learned counsel for the Petitioner, on instructions, seeks to withdraw this petition, subject to a direction to the Respondent to conclude the conciliation proceedings within four weeks and with liberty to file a fresh petition in case of any surviving/further grievance.

7. This petition is disposed of as premature, in light of the submission made on behalf of the Respondent that conciliation process is ongoing between the parties. It is directed that the conciliation proceedings will be concluded as expeditiously as possible by the Respondent and not later than four weeks from today. Needless to state, in case of any surviving/further grievance, Petitioner will be at liberty to file a fresh petition seeking appointment of an Arbitrator in consonance with Clause 26.3 of Contract Agreement 09.04.2015.

8. It is made clear that this Court has not expressed any opinion on the merits of the case.

JYOTI SINGH, J

APRIL 4, 2025/S.Sharma