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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **ARB.P. 745/2025 & I.A. 16903/2025**

GODARA CONSTRUCTION COMPANYPetitioner

Through: Mr. Sandeep Grover, Mr. Ishwer
Upneja & Mrs. Ankita Arora, Advs.

versus

HARYANA SHEHRI VIKAS PRADHIKARANRespondent

Through: Mr. Varun Chugh, Ms. Shagun Shahi
Chugh, Mr. Prashant Kumar Mishra
and Mr. Katahiamang Panmei,
Advocates.

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

% **18.07.2025**

1. The present petition has been filed by the Petitioner under Section 11(5) and 11(6) of the Arbitration and Conciliation Act, 1996 ('Act of 1996') seeking appointment of a Sole Arbitrator for adjudication of disputes between the parties arising out of the Concession Agreement dated 28.09.2022 ('the Agreement').
2. Learned counsel for the Petitioner states that the dispute resolution article in the Agreement contains an arbitration agreement, i.e., Article 26. He states that the said arbitration agreement was invoked vide notice dated 23.12.2024. He states that the value of the claim is approximately Rs. 14.25 crores.
3. Mr. Katahiamang Panmei, Advocate enters appearance on behalf of the respondent. He states that his *Vakalatnama* has already been duly filed.
 - 3.1 He states that Respondent does not dispute the existence of the arbitration agreement.



3.2 He states that the Respondent has no objection if the parties being referred to arbitration without prejudice to the rights and contentions of the Respondent. He states that Respondent does not admit the allegations made in the petition vis-à-vis the merits of the claims.

3.3 He states that the Respondent reserves its right to file its counterclaim before the arbitral tribunal.

4. Learned counsels for the parties jointly states that the matter may be referred to an arbitral tribunal consisting of a Sole Arbitrator for arbitration to be held under the aegis of the Delhi International Arbitration Centre ('DIAC'). They further state that considering the claim amount, the Court may appoint a former Judge of this Court as the Arbitrator.

5. This Court has heard the submissions of the parties.

6. This Court has perused the arbitration agreement, Article 26 of the Agreement, at Page No. 166 of this petition, and is satisfied that there exists a valid arbitration clause between the parties which was duly invoked by the Petitioner vide notice dated 23.12.2024.

7. In view of the above admitted facts, the 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. **Justice Rekha Palli**, Former Judge, High Court of Delhi [Mob. No. 9810380823 of Mr. Shiblal Khandal, the clerk of the Arbitrator] is appointed as a Sole Arbitrator to adjudicate the disputes between the parties. The arbitration is referred to DIAC, with the following directions:

- a.) The arbitration will be held under the aegis of the DIAC and as per the Rules of DIAC.
- b.) The remuneration of the learned Arbitrator shall be in terms of Schedule IV of the Act of 1996 as amended by DIAC Rules.



- c.) The learned Arbitrator is requested to furnish a declaration in terms of Section 12 of the Act of 1996 before entering into the reference.
- d.) 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 on merits of the dispute of either of the parties, are left open for adjudication by the learned arbitrator.
8. The Petitioner is directed to file its statement of claim within six (6) weeks as per the rules of DIAC. The Respondent will file its statement of defence along with its statement of counter claim within a period of six (6) weeks, thereafter.
9. List the matter for preliminary hearing, to be presided over by the Sole Arbitrator, on **24.09.2025** at **4:30 PM** at DIAC.
10. Since, the parties have been put to notice of the preliminary date of hearing, no fresh notice be issued to the parties.
11. Needless to state, nothing in this order shall be construed as an expression of opinion by this court on the merits of the claims in the petition.
12. With the aforesaid directions, the petition stands disposed of.
13. The Registry is directed to send a copy of this order to Secretary, DIAC and the learned Sole Arbitrator.
14. The digitally signed copy of this order, duly uploaded on the official website of the Delhi High Court, 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 18, 2025/mr/AM