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

+ **ARB.P. 772/2025**

SGN UNIVERSAL CONSTRUCTION CO. (P) LTDPetitioner

Through: Mr. Adarsh Tripathi, Mr. Vikram
Singh Baid and Mr. Ajitesh Garg, Advocates.

versus

NBCC (INDIA) LIMITED

.....Respondent

Through: Ms. Shilpi Chowdhary, Advocate.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

21.05.2025

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I.A. 12929/2025

1. This is an application filed on behalf of the Petitioner seeking condonation of delay of 1 day in refiling this petition.
2. Issue notice.
3. Ms. Shilpi Chowdhary, learned counsel accepts notice on behalf of the Respondent.
4. For the reasons stated in the application, delay of 1 day in refiling this petition is condoned.
5. Application stands disposed of.

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6. This is a petition filed on behalf of the Petitioner under Section 11(6) of the Arbitration and Conciliation Act, 1996 ('1996 Act') for appointment of an Arbitrator.
7. Disputes between the parties emanate from a Civil Works Contract



executed pursuant to award of work by Respondent vide Letter of Award dated 28.11.2016. Petitioner avers that it completed the contractual work as per the Agreement but despite repeated representations and demands, Respondent refused to release the outstanding amounts, causing financial hardship to the Petitioner.

8. Learned counsel for the Petitioner submits that after successful execution of the work, several payments due to the Petitioner have been unlawfully withheld by the Respondent, which include unpaid invoices, Retention money and two Bank Guarantees. The matter was referred by MSFEC on 10.10.2024 to Delhi International Arbitration Centre ('DIAC') after failure of conciliation, however, despite full cooperation by the Petitioner, including deposit of fees and submission of tentative claims, no Arbitrator has been appointed till date by DIAC. Petitioner has issued multiple communications but there is no progress and there is a complete deadlock in proceeding further. Having no efficacious remedy, Petitioner has approached this Court for appointment of a Sole Arbitrator by this Court.

9. Issue notice.

10. Ms. Shilpi Chowdhary, learned counsel accepts notice on behalf of the Respondent and on instructions, submits that this Court may appoint a Sole Arbitrator.

11. Accordingly, with the consent of the parties, Mr. Justice G.P. Mittal, former Judge of this Court (Mobile No. 9910384619), is appointed as the Sole Arbitrator to adjudicate the disputes between the parties. Arbitration proceedings will be held under the aegis of DIAC and as per its Rules. Fee of the Arbitrator shall be as per the DIAC (Administrative Cost and



Arbitrators' Fees) Rules, 2018.

12. Learned Arbitrator shall give disclosure under Section 12 of the 1996 Act before entering upon reference.

13. It is made clear that this Court has not expressed any opinion on the merits of the case and all rights and contentions of the respective parties are left open.

14. Petition is disposed of in the aforesaid terms.

JYOTI SINGH, J

MAY 21, 2025/shivam