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

+ **ARB. A. (COMM.) 32/2025**

MAHARISHI DAYANAND CGHS LTD

.....Appellant

Through: Mr. Lohit Kumar Bimal, Mr. Suhit Jain and Mr. Raghav Bimal, Advocates.

versus

BRILLTECH ENGINEERS PVT LTD

.....Respondent

Through: Mr. Ankur Singhal and Ms. Himanshi Sidodiya, Advocates.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

18.08.2025

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1. This appeal is filed under Section 37(2) (b) of the Arbitration and Conciliation Act, 1996 ('1996 Act') laying a challenge to impugned order dated 05.05.2025 passed by the learned Sole Arbitrator whereby an application filed by the Appellant under Section 17(1)(c) of 1996 Act for appointment of Local Commissioner has been dismissed. Application was filed by the Appellant praying for appointment of a retired Electrical Inspector or any other expert in the field to visit the site, measure the work done, as also the area occupied by the claimant/Respondent herein on the site of the Appellant and to submit a report.

2. Application was opposed by the Respondent herein on the ground that the site was lying sealed by orders of MCD and conducting any proceedings in the sealed premises will lead to serious consequences. The other ground to oppose the application was that the Respondent had de-mobilised the



entire project site and all materials supplied by it were in control, supervision and lock and key of the Appellant and Respondent had no control over the same.

3. Learned Arbitrator dismissed the application on the ground that there was sufficient evidence available on record for the parties to lead evidence and prove the case and that commenting on the weightage of such evidence was incorrect.

4. Court is apprised that the award has been reserved for pronouncement. At this stage, it is not possible for this Court to examine the correctness of the order passed by the Arbitrator.

5. This appeal is accordingly disposed of granting liberty to the Appellant to raise this issue at the stage of filing objections to the award, at the appropriate stage, in the event the award is not favourable to the Appellant.

JYOTI SINGH, J

AUGUST 18, 2025/RW/YA