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

+ **ARB.P. 1064/2024**

**U.P. STATE BRIDGE CORPORATION
LIMITED & ANR**

.....Petitioners

Through: Mr. Puneet Taneja, Sr. Adv. with Mr.
Anil Kumar and Mr. Amit Yadav,
Advocates.

versus

**NATIONAL HIGHWAYS AND INFRASTRUCTURE
CORPORATION LIMITED (NHIDCL)**

.....Respondent

Through: Mr. Vaibhav Kalra, Ms. Neha
Bhatnagar and Mr. Bishal Majumdar,
Advocates.

+ **O.M.P.(I) (COMM.) 177/2024, IAs 30978-79/2024**

U.P. STATE BRIDGE CORPORATION LIMITED.....Petitioner

Through: Mr. Puneet Taneja, Sr. Adv. with Mr.
Anil Kumar and Mr. Amit Yadav,
Advocates.

versus

**NATIONAL HIGHWAYS AND INFRASTRUCTURE
DEVELOPMENT CORPORATION LIMITED**

.....Respondent

Through: Mr. Vaibhav Kalra, Ms. Neha
Bhatnagar and Mr. Bishal Majumdar,
Advocates.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

% **28.02.2025**

O.M.P.(I) (COMM.) 177/2024

1. This petition has been filed under Section 9 of the Arbitration and Conciliation Act, 1996 (hereinafter, referred to as the 'A&C Act'). The petitioners seek interim directions.

2. Learned counsel for the petitioners submits that the parties had entered into a Contract Agreement dated 17.11.2020, Clause 26.3 of which provides that disputes arising between the parties with respect to the subject



Agreement shall be resolved by reference to arbitration.

3. Disputes having arisen between the parties, the petitioner invoked arbitration vide notice dated 26.05.2024 issued to the respondent under Section 21 of the A&C Act.

4. Learned counsel appearing for the respondent does not dispute either the Contract Agreement or the jurisdiction of this court. The arbitration has already been invoked and the petitioners have also sought reference of disputes to the Sole Arbitrator.

5. Learned counsels for the parties, on instructions, submit that the Arbitration Agreement not being denied, the disputes arising in the context of the subject Arbitration Agreement be referred to the Arbitral Tribunal comprising of a sole arbitrator and the present petition itself be treated as an application under Section 17 of the A&C Act.

6. Learned counsel for the petitioner submits that the interim protection granted by the Division Bench vide order dated 20.05.2024 in LPA No. 394/2024 be continued. Learned counsel for the respondent, on instructions, submits that the respondent would abide by the said order till the application under Section 17 is taken up for consideration by the Arbitral Tribunal. The parties shall be at liberty to seek continuation/modification/variation/recall of the interim orders before the Arbitral Tribunal.

7. In view thereof, the present petition is disposed of with the following directions:

- i) The disputes between the parties under the subject Agreement are referred to the Arbitral Tribunal. The present application be treated as one under Section 17 of the A &C Act.
- ii) Ms. Justice Gita Mittal, former Chief Justice at High Court of Jammu



& Kashmir and Ladakh, (Mob: 9818000220) is appointed as the Sole Arbitrator to adjudicate the disputes between the parties.

- iii) The arbitration will be held under the aegis of the Delhi International Arbitration Centre, Delhi High Court, Sher Shah Road, New Delhi (hereinafter, referred to as the 'DIAC'). The remuneration of the learned Arbitrator shall be in terms of DIAC (Administrative Cost and Arbitrators' Fees) Rules, 2018 or as the parties may agree.
- iv) The learned Arbitrator shall furnish a declaration in terms of Section 12 of the A&C Act prior to entering into the reference.
- v) It is made clear that all the rights and contentions of the parties, including on the existence and validity of the Arbitration agreement, arbitrability of any of the claim/counter claim, any other preliminary objection, need and legality of interim relief, as well as contentions on merits of the dispute by either of the parties, are left open for adjudication by the learned arbitrator.
- vi) The parties shall approach the learned Arbitrator within two weeks from today.

8. The pending applications are also disposed of.

ARB.P. 1064/2024

In view of the order passed in O.M.P.(I) (COMM.) 177/2024, the petition stands disposed of.

MANOJ KUMAR OHRI, J

FEBRUARY 28, 2025/rd