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

+ **ARB.P. 1016/2025**

MG TOOLS

.....Petitioner

Through: **Mr. Mihir Garg & Ms. Rashi Jain,**
Advocates.

versus

**GOVT OF NCT DELHI THROUGH EXECUTIVE ENGINEER (E),
NORTH ELECTRICAL DIVISION & ANR.**Respondents

Through: **Ms. Vaishali Gupta, Panel Counsel**
(Civil) for GNCTD.

CORAM:

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

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17.11.2025

1. This petition has been filed under Sections 11(5) and 11(6) of the Arbitration and Conciliation Act, 1996 [hereinafter the 'Act'] seeking appointment of a Sole Arbitrator for adjudication of disputes between the petitioner and the respondent no. 1 arising out of Agreement dated 7th November, 2023 [hereinafter 'the Agreement'].
2. Counsel for the petitioner states that the said Agreement contains an arbitration clause i.e. Clause 25 which provides for adjudication of disputes arisen between the petitioner and the respondent no. 1 by way of arbitration. It is stated that the respondent no. 2 is the Arbitrator appointing authority as per the said Agreement.
3. It is stated that since there were disputes between the petitioner and respondent no. 1, the parties were referred to arbitration and the respondent



no. 2 appointed Mr. Sanaullah Khan, ADG, CPWD(Retd.) as the Sole Arbitrator to adjudicate the disputes between the petitioner and respondent no. 1 with the consent of both the parties.

4. It is stated that though the arbitration proceedings were initiated between the petitioner and the respondent no. 1 and pleadings were exchanged, however the said appointed Arbitrator could undertake only part arbitration proceedings and subsequently resigned as the Arbitrator *vide* letter dated 13th June, 2025 citing personal reasons.

5. It is stated that subsequently, the petitioner *vide* letter dated 18th June, 2025, requested the respondent no. 2 for appointment of a new Arbitrator and in response respondent no. 2 *vide* its letter dated 20th June, 2025 provided names of five (5) empanelled Arbitrators of PWD.

6. It is averred that the respondent no. 2 instead of providing the complete list of PWD empanelled Arbitrators, has only provided five (5) names. It is stated that the petitioner is not agreeable to appointment of an Arbitrator out of the five (5) names suggested by the respondent no. 2.

7. In these circumstances, the petitioner has been constrained to approach this Court under Section 11 of the Act.

8. Notice was issued by this Court on 21st July, 2025.

9. Counsel for the respondents submits that the respondents would have no objection to appointment of a Sole Arbitrator in terms of the arbitration clause between the parties.

10. As per the arbitration clause applicable in the present case, disputes have to be adjudicated by an Arbitrator, who has to be a graduate engineer with experience in handling public works engineering contracts. The relevant extract from the aforesaid arbitration clause 25 is set out below:



“It is also a term of this contract that member(s) of the Arbitration Tribunal shall be a Graduate Engineer with experience in handling public works engineering contracts, and further he shall have earlier worked at a level not lower than Chief Engineer/ equivalent (i.e. Joint Secretary level of Government of India). This shall be treated as a mandatory qualification to be appointed as arbitrator.”

11. Accordingly, the dispute between the parties under the Agreement is referred to the Arbitral Tribunal comprising a Sole Arbitrator. The following directions are issued in this regard:

- a. Mr. Sunil Kumar Garg (Mobile No.: +91-9868877300) is appointed as a Sole Arbitrator to adjudicate the disputes between the parties.
- b. The Arbitrator shall be entitled to fees as per the Fourth Schedule of the Act.
- c. The Arbitrator is requested to furnish a declaration in terms of Section 12 of the Act prior to entering into the reference. In the event there is any impediment to the Arbitrator's appointment on that count, the parties are given liberty to file an appropriate application before this Court.
- d. The parties shall approach the Arbitrator within two (2) weeks from today.

12. It is made clear that all the rights and contentions of the parties, including the arbitrability of any of the claims and/ or counter claims, any other preliminary objections as well as claims on merits of the dispute of either of the parties, are left open for adjudication by the Arbitrator.

13. The petition stands disposed of in the aforesaid terms.

14. Needless to state, nothing in this order shall be construed as an expression of this Court on the merits of the case.



15. Counsel for the petitioner submits that parties have completed the pleadings before the earlier Arbitrator and the present arbitration may proceed on the basis of the same pleadings.

15.1. Let this request be made before the Arbitrator appointed by this Court today.

AMIT BANSAL, J

NOVEMBER 17, 2025

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