



\$~75

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

+ **O.M.P. (T) (COMM.) 68/2025**

M/S HULE CONSTRUCTIONS PVT. LTD

.....Petitioner

Through: Mr. J.N. Singh, Ms. Sadhana Singh,
Mr. Meghraj Singh and Mr. Deepak Kumar Singh,
Advocates.

versus

**NATIONAL HIGHWAY AUTHORITY OF INDIA
AND OTHERS**

.....Respondents

Through: Ms. Madhu Sweta, Mr. Yash Kapoor
and Mr. Raushal Kumar, Advocates.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

%

05.08.2025

I.A. 18584/2025 (u/S 5 of Limitation Act, 1963 r/w 151 of CPC)

1. This application is filed on behalf of the Petitioner seeking condonation of delay of 45 days in re-filing the present petition.
2. Issue notice.
3. Ms. Madhu Sweta, learned counsel accepts notice on behalf of the Respondents.
4. For the reasons stated in the application, the same is allowed. Delay of 45 days in re-filing the petition stands condoned.
5. Application stands disposed of.

O.M.P. (T) (COMM.) 68/2025

6. This petition is filed on behalf of the Petitioner under Sections 14 and



15 of Arbitration and Conciliation Act, 1996 ('1996 Act') seeking termination of mandate of the learned Sole Arbitrator on the ground that Arbitrator has not been proceeding with the matter diligently. It is pointed out by learned counsel for the Petitioner that last hearing of the matter by the Sole Arbitrator was conducted on 06.09.2024 for deciding an application under Section 16 of 1996 Act filed by the Respondents challenging the jurisdiction of the Arbitrator as also an application under Section 17 of 1996 Act filed by the Petitioner for interim reliefs, however, till date there is no decision to this effect.

7. Issue notice.

8. Ms. Madhu Sweta, learned counsel accepts notice on behalf of the Respondents.

9. Learned counsel for the Respondents supports the Petitioner and submits that several efforts have been made by the Respondents to request the learned Arbitrator to decide pending applications expeditiously but there is no progress in the arbitral proceedings and in the interest of the parties that the mandate of the Arbitrator is terminated and substitute Arbitrator is appointed by this Court.

10. Having heard learned counsels for the parties and considering that the objective of arbitration as alternate dispute resolution mechanism is expeditious disposal of *inter se* disputes, the mandate of the learned Arbitrator is terminated. It is made clear that no aspersion of any kind is being cast on the learned Arbitrator.

11. Accordingly, with the consent of the parties, this petition is allowed. Mr. Justice Shyam Kishore Sharma, former Judge of Patna High Court (Mobile No. 9431015014) is appointed as the substitute Arbitrator to



adjudicate the disputes between the parties. Fee of the learned Arbitrator will be fixed as per Fourth Schedule of 1996 Act.

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

AUGUST 5, 2025

S.Sharma