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

+ **ARB.P. 1163/2025**

**BROADCAST ENGINEERING CONSULTANTS
INDIA LTD**

.....Petitioner

Through: Ms. Shruti Sharma, Ms. Shreya
Sharma, Mr. Aman Kumar and Mr. Nishant
Kandpal, Advocates.

versus

AIRPORT AUTHORITY OF INDIA

.....Respondent

Through: Mr. Harish Malik and Mr. Kushal
Bhattacharjee, Advocates.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

07.08.2025

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1. This petition is filed on behalf of the Petitioner under Section 11(5) of the Arbitration and Conciliation Act, 1996 ('1996 Act') seeking appointment of a Sole Arbitrator.
2. Learned counsel for the Respondent appearing on advance copy takes an objection to the maintainability of this petition on the ground that as per the dispute resolution mechanism incorporated in Clause 14.1 of the General Terms and Conditions of Tender, in case of any dispute arising from the Agreement in question, parties shall in the first place seek resolution before ED (IT) and only upon failure, recourse will be taken to arbitration and admittedly in the present case, Petitioner has not sought reference of dispute to ED (IT) before filing the present petition. Counsel also hands over copies



of letters dated 26.12.2024 and 28.03.2025 whereby Respondent wrote to the Petitioner to take recourse to the pre-reference dispute resolution mechanism before appointment of the Arbitrator but no steps were taken by the Petitioner.

3. There is merit in the objection raised by the Respondent. In light of judgment of the Division Bench of this Court in ***Welspun Enterprises Ltd. v. NCC Ltd., 2022 SCC OnLine Del 3296***, Petitioner ought to have taken recourse to the in-built mechanism of referring the disputes to ED (IT) before seeking appointment of an Arbitrator.

4. After canvassing some arguments, learned counsel for the Petitioner, on instructions, seeks to withdraw this petition to take recourse to pre-reference mechanism stipulated in Clause 14.1 of the General Terms and Conditions of Tender. As and when, Petitioner initiates the process, Respondent shall ensure that the proceedings are concluded within six weeks from commencement. Needless to state that if the resolution mechanism fails, parties will be at liberty to take recourse to arbitration.

5. Petition is disposed of as withdrawn.

JYOTI SINGH, J

AUGUST 7, 2025/RW/YA/Shivam