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

+ **ARB.P. 1185/2025**

M/S TRG INDUSTRIES PRIVATE LIMITEDPetitioner

Through: Mr. Ashkrit Tiwari, Mr. Aman Kumar, Mr. Abhinav Akash, Dr. Karika Arora, and Ms. Aditi Shrivastava, Advocates.

versus

DIRECTORATE GENERAL OF CIVIL AVIATION,

GOVERNMENT OF INDIA & ANR.Respondents

Through: Mr. R.P Agrawal, Mr. Chandan Kumar Jha Advs.

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

% **24.11.2025**

1. This is a petition filed under Section 11(6) of the Arbitration and Conciliation Act, 1996 seeking appointment of an Arbitrator for adjudication of the disputes between the parties.
2. The brief facts are that respondent floated a tender for the “Construction of new Runway, associated pavements and allied works at Chitrakoot Airport” in the State of Uttar Pradesh. The petitioner emerged as the successful bidder and was awarded the work *vide* Letter of Acceptance No. RITES/AP/UPSCA/Chitrakoot/2015/9119 dated 16.12.2015 (“**LoA**”).
3. Consequently, the parties entered into a Contract Agreement dated 20.01.2016 for a scope of work including the construction of new runway, turning pads, overruns, taxiways, Apron, shoulders to airfield pavements, peripheral road, internal and approach roads, pipe culverts, boundary wall,



fire station, U.G. tank and dismantling of existing Boundary Wall etc. for a contract price of Rs. 69,84,05,374.28/-.

4. The arbitration clause is Clause No. 25 of Section 8 of General Conditions of Contract for Works of the Contract Agreement, which reads as under:-

“CLAUSE 25

Settlement of Disputes & Arbitration

XXXXXXXXX

2) Except where the decision has become final, binding and conclusive in terms of Sub Para (1) above, disputes or difference shall be referred for adjudication through arbitration by a sole arbitrator appointed by the Appointing Authority. The selection of Arbitrator by the Appointing Authority will be governed by the fact whether the dispute is (i) between two Public Sector Enterprises or (ii) between a Public Sector Enterprise and a Government Department or (iii) Otherwise.

In case the dispute does not fall under item (i) or (ii) of this Para the Appointing Authority, shall appoint the sole Arbitrator. Within 30 days of receipt of notice from the Contractor to refer the dispute for Arbitration, the Appointing Authority stipulated in Schedule F shall send to the Contractor a list of three serving officers of RITES of appropriate status depending on the total value of claim, who have not been connected with the work under the Contract. The Contractor shall, within 15 days of receipt of this list select and communicate to the Appointing Authority, the name of one officer from the list who shall then be appointed as the Sole Arbitrator. If



the Contractor fails to communicate his selection of name within the stipulated period, the Appointing Authority shall without delay, select one officer from the list and appoint him as the Sole Arbitrator.”

5. Since disputes arose between the parties, the petitioner invoked arbitration *vide* legal notice dated 18.04.2025 and thereafter, filed the present petition.

6. Mr. Agrawal, learned counsel for the respondents states that he has no objection to an appointment of an Arbitrator as long as all the rights and claims of the respondents are left open.

7. For the said reasons, the petition is allowed, with the following directions:

- i) Mr. Justice Najmi Waziri, (Former Judge, Delhi High Court) (Mob. No. 9810097311) is appointed as a Sole Arbitrator to adjudicate the disputes between the parties.
- ii) The arbitration will be held under the aegis and rules of the Delhi International Arbitration Centre, Delhi High Court, Sher Shah Road, New Delhi (hereinafter, referred to as the ‘DIAC’).
- iii) The remuneration of the learned Arbitrator shall be in terms of DIAC (Administrative Cost and Arbitrators’ Fees) Rules, 2018.
- iv) The learned Arbitrator is requested to furnish a declaration in terms of Section 12 of the 1996 Act prior to entering into the reference.
- v) It is made clear that all the rights and contentions of the parties, including as to the arbitrability of any of the claim, any other preliminary objection, as well as claims/counter-claims and merits



of the dispute of 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.

JASMEET SINGH, J

NOVEMBER 24, 2025/DM