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

+ **ARB.P. 1242/2025**

**MR. VIMAL KAUSHIK PROPRIETOR
OF M/S V.K ASSOCIATES**

.....Petitioner

Through: Mr. Sudhanshu Goel, Advocate.

versus

GOVT. OF NCT OF DELHI

.....Respondent

Through: Ms. Anubhav Gupta, Advocate.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

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19.08.2025

1. This petition is filed on behalf of the Petitioner under Section 11(6) of the Arbitration and Conciliation Act, 1996 ('1996 Act') for appointment of the Sole Arbitrator in terms of Clause 25 of CPWD General Conditions of Contract for Central P.W.D. Works, 2014.
2. Issue notice.
3. Learned counsel appearing for the Respondent on advance copy of the petition submits that as per Clause 25, in case of any disputes arising pertaining to the contract in question or decision given in writing by the Engineer In-charge, Petitioner is required to request the Chief Engineer/CPM or where there is no Chief Engineer/CPM, request the Additional Director General/Special Director General to refer the disputes to Dispute Redressal Committee (DRC) within 15 days. The DRC would then give its decision within 60 days extendable by 30 days with the consent of



the parties and if DRC fails to give its decision within the timelines granted, Petitioner can approach the concerned officer designated in the arbitration clause to appoint an Arbitrator. In the present case, Petitioner has not exhausted the pre-reference mechanism and hence, this petition is premature.

4. In light of this objection, learned counsel for the Petitioner, on instructions, seeks to withdraw this petition to take recourse to pre-reference mechanism stipulated in Clause 25 with liberty to seek appointment of the Arbitrator if the disputes are not resolved.

5. Petition is disposed of as withdrawn. Needless to state that if the aforesaid mechanism fails and disputes survive, Petitioner will be at liberty to take recourse to arbitration for adjudication of the *inter se* disputes. 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 parties are left open.

JYOTI SINGH, J

AUGUST 19, 2025/RW/YA/Shivam