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

+ **ARB.P. 1299/2025**

**HARJI ENGINEERING WORKS PRIVATE
LIMITED**

.....Petitioner

Through: Mr. Sahil Garg, Mr. Abhinav Jain,
Mr. Aryan Pandey, Mr. Mithil Malhotra and Mr.
Abhishek Dahiya, Advocates.

versus

BHARAT HEAVY ELECTRICALS LIMITEDRespondent
Through: Mr. Kapil Rustagi, Advocate.

**CORAM:
HON'BLE MS. JUSTICE JYOTI SINGH**

ORDER

% **26.08.2025**

1. This petition is filed on behalf of the Petitioner under Section 11 (6) of the Arbitration and Conciliation Act, 1996 ('1996 Act') seeking appointment of a Sole Arbitrator to adjudicate the disputes between the parties.
2. Disputes between the parties in the present petition emanate from a Contract Agreement executed between them on 20.04.2016 pursuant to a tender floated by the Respondent for execution of the work of '*Material management and Erection, Testing, Commissioning, Trial operation, Handing over of Electrostatic precipitator (ESP) of Unit No.1 and 2 at 2x600 MW, Tanda TPS of NTPC at Tanda*'. Petitioner claims that there are outstanding dues under the contract which are unpaid till date, despite several reminders to the Respondent to pay. On 14.10.2023, Petitioner sent



notice invoking arbitration under Section 21 of the 1996 Act to the Respondent for appointment of a Sole Arbitrator by mutual consent and on failure of the Respondent to act in terms of the notice within 30 days from the date of receipt, present petition was filed.

3. Learned counsel appearing on behalf of the Respondent, on instructions, while refuting the claims of the Petitioner on merits, fairly submits that since existence of the arbitration agreement is not in dispute, Court may appoint a Sole Arbitrator. During the hearing, parties have proposed and mutually agreed on appointment of Dr. Justice S. Muralidhar, former Chief Justice of Orissa High Court as the Sole Arbitrator.

4. Accordingly, with the consent of the parties, Dr. Justice S. Muralidhar, former Chief Justice of Orissa High Court (Mobile No. 9872727986) is appointed as the Sole Arbitrator to adjudicate the disputes between the parties. Arbitral proceedings will be held under the aegis of Delhi International Arbitration Centre ('DIAC'). Fee of the Arbitrator shall be fixed as per fee schedule under DIAC (Administrative Cost & Arbitrators' Fees) Rules 2018.

5. Learned Arbitrator shall give disclosure under Section 12 of the 1996 Act before entering upon reference.

6. 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.

7. Petition is disposed of in the aforesaid terms.

JYOTI SINGH, J

AUGUST 26, 2025

S.Sharma