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

+ **ARB.P. 1300/2025**

VPIL-SIPL JV

.....Petitioner

Through: Mr. Ankur Upadhyay, Mr. Vishal Singh and Mr. Amit Kumar, Advocates.

versus

**NATIONAL HIGHWAYS AND INFRASTRUCTURE
DEVELOPMENT CORPORATION**

.....Respondent

Through: Mr. Somesh Kumar Dubey,
Advocate.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

03.09.2025

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1. This petition is filed on behalf of the Petitioner under Section 11(6) of Arbitration and Conciliation Act, 1996 ('1996 Act') seeking appointment of the Sole Arbitrator to adjudicate the disputes between the parties.
2. Disputes between the parties emanate from the Engineering, Procurement and Construction Agreement dated 28.12.2021 entered into between the parties for '*Four Laning of Jorhat-Jhanji Section of NH-37 from km 453.000 to km 491.050 (Design km 453.000 to km 491.800) in the State of Assam under SARDP-NE on EPC basis*'. The Agreement incorporates Arbitration Clause 26.3 and disputes having arisen, Petitioner sent notice invoking arbitration on 19.05.2025 subsequent to failure of conciliation proceedings between the parties before the CCIE. Respondent replied to the notice on 12.07.2025 refuting Petitioner's request for



appointment of a Sole Arbitrator in light of the arbitration clause envisaging appointment of a three-member Arbitral Tribunal. Respondent nominated its Arbitrator and requested the Petitioner to appoint its nominee Arbitrator, however, Petitioner vide letter dated 22.07.2025 reiterated its request for appointment of a Sole Arbitrator relying on Section 10 of 1996 Act.

3. Learned counsel for the Respondent, on instructions, submits that the Court may appoint a Sole Arbitrator so that the disputes between the parties can be adjudicated. This submission is without prejudice to the contention that there is no merit in the claims raised by the Petitioner.

4. Accordingly with the consent of the parties, Mr. Justice D.K. Jain, former Judge of the Supreme Court (Mobile No. 9999922288), is appointed as the Sole Arbitrator to adjudicate the disputes between the parties. As agreed, fee of the Arbitrator shall be fixed as per Fourth Schedule of 1996 Act.

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 respective parties are left open.

7. Petition is disposed of in the aforesaid terms.

JYOTI SINGH, J

SEPTEMBER 3, 2025/st/rw