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

+ **ARB.P. 1339/2025**

M/S PRAPTI AND AVNI CONSTRUCTIONPetitioner

Through: **Mr. Rohit Taneja, Adv**

versus

CDS INFRA PROJECTS LIMITEDRespondent

Through: **Mr. Ankur Singhal, Adv.**

CORAM:

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

% **06.11.2025**

I.A. 21270/2025 (Exemption)

1. Allowed, subject to the petitioner filing legible copies of documents within four (4) weeks from today.
2. The application stands disposed of.

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3. The present petition has been filed under Section 11(6) of the Arbitration and Conciliation Act, 1996 (hereinafter 'the Act'), seeking appointment of a Sole Arbitrator for adjudication of the disputes between the parties arising out of Work Orders entered into between the parties.
4. Counsel for the petitioner states that the Work Orders contain an arbitration clause, i.e. Clause 20, which provides for adjudication of disputes arising between the parties by arbitration.
5. He further states that since there were disputes between the parties, the petitioner sent a notice dated 7th September, 2025 to the respondent under

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Section 21 of the Act, invoking the aforesaid arbitration clause. The respondent did not reply to the aforesaid notice of invocation. Hence, the petitioner has been constrained to approach this Court by way of the present petition.

6. Counsel appearing on behalf of the respondent submits that reply has been filed to the present petition albeit in a belated manner. Hence, the reply is not on record. Counsel for the respondent has been asked to articulate his objections with regard to the present petition.

7. Counsel for the respondent has raised the following three objections:-

- (i) The claims which are subject matter of the present petition are barred by time;
- (ii) This Court does not have the jurisdiction to entertain the present petition;
- (iii) The petitioner has filed one petition in respect of following three separate Work Orders:

- a. CDS/HO/BH-II/18-19/5942 dated 18th August, 2018,
- b. CDS/HO/BH-II/19-20/7220 dated 15th May, 2019 and
- c. CDS/HO/DV-13/20-21/9171 dated 2nd September, 2020.

8. Insofar as the first issue with regard to the limitation is concerned, the issue on limitation can be decided by the Sole Arbitrator in the arbitration proceedings.

9. Insofar as the jurisdiction of this Court is concerned, a reference may be made to the all three Work Orders wherein the arbitration clauses are identical. The arbitration clause is set out below:

“Dispute, if any, between the parties shall be settled in accordance with the Arbitration & Conciliation Act, 1996. Sole Arbitrator shall



be appointed by the Managing Director of CDSLPL.

Proceeding shall be conducted at Delhi. The Courts at Delhi alone shall have exclusive jurisdiction in all matters such as disputes, questions or differences of opinion between both the parties concerning or arising under the contract.”

10. A reading of the aforesaid clause clearly demonstrates that the seat of arbitration is Delhi. Hence, this Court would have the jurisdiction to entertain the present petition.

11. Insofar as the objection with regard to all the three separate Work Orders are concerned, all the aforesaid Work Orders are interconnected and between the same parties. However, having heard counsel for the parties and taking into account that each of work order constitutes separate contract between the parties, this Court is of the view that three separate arbitration proceedings be conducted in respect of each of the Work Orders.

12. Accordingly, the disputes between the parties under the aforementioned three Work Orders are referred to the Arbitral Tribunal comprising a Sole Arbitrator. The following directions are issued in this regard:

13. Ms. Mallika Parmar, Advocate (Mobile No.: +91 9971428439) is appointed as a Sole Arbitrator to adjudicate the disputes between the parties in relation to all the aforesaid three Work Orders.

- a. The Arbitrator is requested to furnish a declaration in terms of Section 12 of the Act prior to entering into the reference. In the event there is any impediment to the Arbitrator's appointment on that count, the parties are given liberty to file an appropriate application before this Court.



- b. The Arbitrator shall be entitled to fees as per Schedule IV of the Act.
 - c. The parties shall approach the Arbitrator within two (2) weeks from today.
 - d. It is made clear that all the rights and contentions of the parties, including the arbitrability of any of the claims and/ or counter claims, any other preliminary objections as well as claims on merits of the dispute of either of the parties, are left open for adjudication by the Arbitrator.
14. The petition stands disposed of in the aforesaid terms.
15. Needless to state, nothing in this order shall be construed as an expression of this Court on the merits of the case.

AMIT BANSAL, J

NOVEMBER 6, 2025

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