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

+ O.M.P. (T) (COMM.) 92/2025

INDIAN OIL CORPORATION LIMITEDPetitioner

Through: Mr. Abhishek Birthray, Ms. Aparna Iyer and Ms. Aiswarya Sahu, Advs.

versus

PRAXAIR INDIA PRIVATE LIMITEDRespondent

Through: Ms. Praveena Gautam, Mr. Pawan Shukla, Ms. Tissy A. Thomas and Mr. Rohan Bansla, Advs.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER
18.09.2025

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The present petition has been filed under Section 15(2) of the Arbitration and Conciliation Act, 1996 (A&C Act) seeking appointment of a substitute Presiding Arbitrator consequent upon the recusal of Mr. Justice (Retd.) Deepak Verma, the erstwhile Presiding Arbitrator, from the arbitration proceedings on 25.06.2025. The said recusal has resulted in the arbitral proceedings, which were at an advanced stage, being adjourned *sine die*.

2. The Petitioner is an Indian Central Public Sector Undertaking under the ownership of the Ministry of Petroleum and Natural Gas, Government of India, and is engaged in the activities of refining, pipeline operations, marketing of petroleum products, as well as exploration and production of



petroleum, natural gas and petrochemicals.

3. The Respondent is a company incorporated under the Companies Act, 1956, and is engaged in the business of designing, engineering, installation, construction, commissioning, operation and maintenance of industrial gas plants and related equipment, and also in manufacturing, procuring, and supplying industrial and medical gases and related products/services.

4. The facts manifest that the arbitration arises out of a Build Own Operate Contract dated 11.03.2020 (*hereinafter referred to as 'the Contract'*), executed between the parties for installation of a Cryogenic Air Separation Unit inside the Petitioner's Refinery plot area for supply of products to the Petitioner's Paradip facilities, by the Respondent. The Contract contains an arbitration agreement under Clause 32.

5. On 23.03.2024, the Respondent issued an Arbitration Notice in terms of Clause 32 of the Contract nominating its arbitrator, and on 29.04.2024, the Petitioner, *vide* its reply, nominated its arbitrator.

6. Thereafter, on 08.05.2024, Mr. Justice (Retd.) Deepak Verma formally accepted his appointment as Presiding Arbitrator.

7. The Arbitral Tribunal comprising of Mr. Justice (Retd.) Deepak Verma (Presiding Arbitrator), Mr. Justice (Retd.) Virender Singh (Co-Arbitrator) and Mr. Justice (Retd.) Anand Byra Reddy (Co-Arbitrator) was duly constituted and entered reference. On 09.05.2024, the Tribunal fixed the first preliminary hearing for 26.05.2024.

8. On 26.05.2024, the first procedural hearing was held, and the Tribunal issued directions in consultation with the counsel for the parties, setting down a timetable for conduct of the proceedings. Pursuant thereto, the Respondent filed its Statement of Claim on 10.08.2024 and the



Petitioner filed its Statement of Defence on 04.10.2024, whereupon pleadings stood concluded. On 19.11.2024, the Petitioner filed an affidavit of admission and denial of documents filed by the Respondent, and on 22.12.2024, the Respondent filed its affidavit of admission and denial of documents filed by the Petitioner. On 23.12.2024, the Tribunal framed issues for adjudication and directed the parties to file their evidence affidavits. The Petitioner filed the evidence affidavit of its witness on 08.03.2025, and the Respondent filed the evidence affidavit of its witness on 11.03.2025.

9. On 10.03.2025, the Tribunal convened to schedule the cross-examination of the Respondent's witness. In accordance with its directions, the cross-examination of the Respondent's witness commenced on 19.04.2025, continued on 22.06.2025 and stood concluded on 23.06.2025. Thereafter, the cross-examination of the Petitioner's witness commenced on 24.06.2025 but was deferred to 25.06.2025.

10. However, on 25.06.2025, the learned Presiding Arbitrator, Mr. Justice (Retd.) Deepak Verma, recused himself from the proceedings for personal reasons, leading to adjournment of the proceedings *sine die*.

11. As per the arbitration clause, the Presiding Arbitrator was originally appointed by the two party-nominated arbitrators. Following the recusal of the Presiding Arbitrator, it was incumbent upon the co-arbitrators to appoint a substitute Presiding Arbitrator within 30 days as per the statutory scheme.

12. However, as per the Petitioner, despite the lapse of nearly two months from the date of recusal, no substitute has been appointed, and the proceedings have remained stalled. It is also stated that the arbitral proceedings have already substantially progressed, with the Respondent's



evidence having been concluded and the Petitioner's evidence having been partly recorded, leaving only the cross-examination of its witness incomplete. Thereafter, the proceedings would have been ripe for final arguments.

13. In these circumstances, the Petitioner has approached this Court for appointment of a substitute Presiding Arbitrator to ensure the expeditious conclusion of the arbitral proceedings.

14. The Court further notes that the value of the claims raised in the instant petition amounts to Rs. 34,06,37,659.94/-.

15. During the course of hearing, it transpires that the parties agree that the Court may consider appointing a substitute presiding arbitrator as per its discretion.

16. In view of the aforesaid, the Court appoints Ms. Justice Hima Kohli, Former Judge, Supreme Court of India (Mobile No. +91 9871300036, email: himakohli@gmail.com) as a Presiding Arbitrator under the same terms and conditions as earlier.

17. Needless to state, proceedings shall continue from the stage where the Presiding Arbitrator had recused.

18. The instant petition stands disposed of.

PURUSHAINDRA KUMAR KAURAV, J

SEPTEMBER 18, 2025/P/MJ