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

+ **ARB.P. 1470/2025**

M/S R S SHARMA CONTRACTORS PVT LTDPetitioner

Through: Mr. M. K. Ghosh, Ms. Tina Garg, Mr.
Sandeep Kumar and Mr. H. S.
Sharma, Advs.
AR in Person

versus

GOVT OF NCT OF DELHI & ANR.Respondents

Through: Mr. Anubhav Gupta, Panel Counsel
(Civil), GNCTD

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

% **26.11.2025**

Since there was a holiday on 25.11.2025, the matter is taken up for hearing today.

1. This is the petition filed under Section 11 of the Arbitration and Conciliation Act, 1996 seeking appointment of an Arbitrator for adjudication of disputes between the parties.

2. The facts are that the petitioner was awarded work pertaining to "Construction of Six Lane RCC Bridge at downstream of existing bridge on Chhawla Najafgarh Road" by the respondents *vide* work order dated 01.06.2019. An Agreement being No. EE/CD-1/27/19-20 is also stated to be executed pursuant to the same.

3. It is stated that the said Agreement also contains "AMENDMENT TO BE ATTACHED WITH General Conditions of Contract for Central P.W.D. Works 2014 No. DG/SE/CMCON/297 Issued from file No.



CSQ/CM/C/17(1)/2017 dated 04.09.2017”, which provides the amended arbitration clause being Clause No. 25, which reads as under:-

“CLAUSE 25

XXXXXXXX

(ii) Disputes or difference shall be referred for adjudication through arbitration by a Tribunal having sole arbitrator where Tendered amount is Rs. 100 Crore or less. Where Tendered Value is more than Rs. 100 Crore, Tribunal shall consist of three Arbitrators as above. The requirements of the Arbitration and Conciliation Act, 1996 (26 of 1996) and any further statutory modifications or re-enactment thereof and the rules made there under and for the time being in force shall be applicable.

It is a term of this contract that the party invoking arbitration shall give a list of disputes with amounts claimed, if any, in respect of each such dispute along with the notice for appointment of arbitrator and giving reference to the decision of the DRC.

It is also a term of this contract that any member of the Arbitration Tribunal shall be a Graduate Engineer with experience in handling public works engineering contracts at a level not lower than Chief Engineer (Joint Secretary level of Government of India). This shall be treated as a mandatory qualification to be appointed as arbitrator.

Parties, before or at the time of appointment of Arbitral Tribunal may agree in writing for fast-track arbitration as per the Arbitration and Conciliation Act, 1996 (26 of 1996) as amended in 2015.”



4. Since disputed arose between the parties, the petitioner first undertook the pre-arbitral mechanism envisaged under Clause No. 25 and thereafter, invoked arbitration *vide* legal notice dated 03.04.2025. Consequently, the petitioner filed the present petition.

5. Mr. Gupta, learned counsel appearing for the respondents' states, on instructions, that he is no objection to the appointment of an Arbitrator.

6. The petitioner has filed a "chart showing the names of the Arbitrators figuring in the panel/list of DIAC and CPWD/PWD" and seeks that Arbitrator be appointed from the said list.

7. For the said reason, the petition is allowed, with the following directions:

- i) Mr. Dinesh Kumar, Former Special Director General, CPWD, (Tower-22/801, CGW Village, Near Akshardham Temple, NH-24, Delhi-110092) is appointed as a Sole Arbitrator to adjudicate the disputes between the parties.
- ii) The arbitration will be held under the aegis and rules of the Delhi International Arbitration Centre, Delhi High Court, Sher Shah Road, New Delhi (hereinafter, referred to as the 'DIAC').
- iii) The remuneration of the learned Arbitrator shall be in terms of DIAC (Administrative Cost and Arbitrators' Fees) Rules, 2018.
- iv) The learned Arbitrator is requested to furnish a declaration in terms of Section 12 of the Act prior to entering into the reference.
- v) It is made clear that all the rights and contentions of the parties, including as to the arbitrability of any of the claim, any other preliminary objection, as well as claims/counter-claims and merits of the dispute of either of the parties, are left open for adjudication



by the learned Arbitrator.

- vi) The parties shall approach the learned Arbitrator within two weeks from today.

JASMEET SINGH, J

NOVEMBER 26, 2025/DM