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

+ **ARB.P. 1478/2025**

M/S K B G ENGINEERS

.....Petitioner

Through: **Mr. Avinash Trivedi and Mr. Rahul Aggarwal, Advocates**

versus

PUBLIC WORKS DEPARTMENT GOVT OF NCT OF DELHI

.....Respondent

Through: **Mr. Dhananjaya Mishra and Mr. Aiman Kler, Advocates**

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

20.11.2025

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1. The present petition has been filed under Section 11(6) of the Arbitration and Conciliation Act, 1996 by the Petitioner seeking appointment of an Arbitrator to adjudicate upon the disputes which have arisen between the parties under a work which was awarded to the Petitioner by the Respondent for "Construction of additional SPS type class rooms in Govt. Schools, Directorate of Education, under Priority II. SH: C/o 232 Nos. of additional SPS class rooms in various schools under North Education Division, PWD Delhi including internal & external water supply, sanitary installation, electrical installations, development of site and firefighting system etc." The Petitioner was declared as the successful bidder and thereafter, an Agreement was entered into between the parties for execution of work.



2. Disputes arose between the parties regarding payment of money by the Respondent to the Petitioner.
3. It is the case of the Petitioner that the Petitioner sent a letter to the Executive Engineer of the Respondent on 17.11.2023 seeking release of payment to the tune of Rs.25,10,21,990/-. It is stated that the Petitioner also sent a letter on 18.03.2024 to the Chief Engineer (Projects) of the Respondent seeking release of the said amount, however, the same was not settled. It is stated that the Petitioner also approached the Chief Engineer (Projects) of the Respondent for constitution of a Dispute Resolution Committee (DRC) as stipulated under Clause 25 of the General Terms and Conditions (GCC). It is stated that since the Dispute Resolution Committee was not constituted, the Petitioner made a request to the Respondent on 06.11.2024 under Clause 25 of the GCC for appointment of an Arbitrator. Since no steps were taken by the Respondent, the Petitioner has approached this Court by filing the present petition seeking appointment of an Arbitrator.
4. Notice was issued in the petition on 15.09.2025.
5. Mr. Dhananjaya Mishra, learned Counsel, enters appearance on behalf of the Respondent.
6. In view of the fact that disputes have arisen between the parties and the General Terms and Conditions contain an arbitration clause, this Court is inclined to appoint an Arbitrator to adjudicate upon the disputes between the parties.
7. Accordingly, Mr. Anant Kumar, Retd. Chief Engineer, CPWD (Mob. No. 9911178856) is appointed as the Sole Arbitrator to adjudicate upon the disputes between the parties.



8. The arbitration would take place under the aegis of the Delhi International Arbitration Centre (DIAC) and would abide by its rules and regulations. The learned Arbitrator shall be entitled to fees as per the Schedule of Fees maintained by the DIAC.

9. The learned Arbitrator is also requested to file the requisite disclosure under Section 12(2) of the 1996 Act within two weeks of entering on reference.

10. All rights and contentions of the parties in relation to the claims/counter-claims are kept open, to be decided by the learned Arbitrator on their merits, in accordance with law.

11. Needless to say, nothing in this order shall be construed as an expression of this Court on the merits of the contentions of the parties.

12. The petition stands disposed of in the above terms, along with pending application(s), if any.

SUBRAMONIUM PRASAD, J

NOVEMBER 20, 2025

S. Zakir