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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **ARB.P. 1709/2024 & I.A. 43418/2024**
AKASH INFRA PROJECTS LTD

.....Petitioner
Through: Mr. Shamik Sanjanwala, Mr. Aditya
Tripathi, Advs.

versus

ROADS AND BUILDING DEPARTMENT, GUJARAT AND ANR.
.....Respondent
Through: Ms. Gunjan Sinha Jain, Adv.

CORAM:
HON'BLE MR. JUSTICE JASMEET SINGH

% **ORDER**
16.05.2025

1. This is a petition filed under Section 11(6) of the Arbitration and Conciliation Act, 1996 seeking appointment of an arbitrator to adjudicate the disputes between the parties.
2. The petitioner was awarded the work of "Periodical Renewal between Km. 447/910 to 475/850, 477/500 to 516/000. 516 to 520/200, 532/000 to 533/5500, 534/500 to 537/600, 554/385 to 569/600, 581/500 to 587/860 Radhanpur- Patan-Chanasma- Mahesana-Prantij section) of NH-68 in the State of Gujarat under ARP 2019-20 on EPC mode" and the work order was issued on 22.11.2019.
3. The arbitration clause is Clause No. 26.3 of the GCC which reads as under:

“Any dispute which remains unresolved between the parties



through the mechanisms available/prescribed in the Agreement, irrespective of any claim value, which has not been agreed upon/reached settlement by the parties, will be referred to the Arbitral Tribunal as per the Arbitration and Conciliation Act.”

4. Since there were disputes between the parties, the petitioner invoked arbitration *vide* legal notice dated 18.04.2024 and thereafter, filed the present petition.
5. Ms. Sinha, learned counsel appears on behalf of both the respondents has no objection to the petition being allowed.
6. For the said reasons, the petition is allowed and the following directions are issued:-
 - i) Justice Rajiv Shakdher (Retd. Chief Justice of High Court of Himachal Pradesh) (Mob. No. 9717495004) 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.

7. The present petition is disposed of in the aforesaid terms.

JASMEET SINGH, J

MAY 16, 2025/sp

Click here to check corrigendum, if any
