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

+ **ARB.P. 1596/2025**

M/S MRK CONSTRUCTIONS

.....Petitioner

Through: Mr. Avinash Trivedi and Mr. Anurag
Kaushik, Advocates.

versus

PUBLIC WORKS DEPARTMENT

GOVT. OF NCT OF DELHI

.....Respondent

Through: Ms. Nikita Bhutani, Advocate.

CORAM:

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

04.11.2025

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1. The present petition has been filed under Section 11 (6) of the Arbitration and Conciliation Act, 1996, (hereinafter 'Act') seeking appointment of a Sole Arbitrator for the adjudication of the disputes between the parties arising out of the Construction Agreement entered into between the parties pursuant to the Letter of Acceptance dated 14th January, 2019 (hereinafter the 'Agreement').

2. The aforesaid Agreement contains the General Conditions of Contract (GCC), which includes an arbitration clause, i.e. Clause 25, which provides for adjudication of disputes arising between the parties by way of arbitration.

3. Since there were disputes between the parties, the petitioner sent notices dated 31st August, 2024, 10th October, 2024 and 12th May, 2025 to the respondent under Section 21 of the Act, invoking the aforesaid arbitration



clause.

4. Despite the aforesaid notices, the respondent has failed to refer the disputes between the parties to the Arbitrator.

5. Notice was issued in the petition on 26th September, 2025 and three (3) weeks' time was granted to the respondent to file a reply.

6. No reply has been filed on behalf of the respondent.

7. Counsel for the respondent submits that the claims which are the subject matter of the petition are time barred.

8. In my view the objection of limitation can be taken up in the arbitration proceedings.

9. As per the arbitration clause, the Arbitrator has to be a Graduate Engineer with experience in handling public works engineering contracts at a level not lower than the Chief Engineer (Joint Secretary level, Government of India).

10. Counsel for the petitioner submits that an Arbitrator may be appointed from a list of engineers, either from the list maintained by CPWD or the Panel of DIAC.

11. Accordingly, the dispute between the parties under the Agreement is referred to the Arbitral Tribunal comprising a Sole Arbitrator. The following directions are issued in this regard:

- a. Mr. Anant Kumar (Mobile No.: +91-9811178856) is appointed as a Sole Arbitrator to adjudicate the disputes between the parties.
- b. The arbitral proceedings shall be held under the aegis of the Delhi International Arbitration Centre, Delhi High Court, Sher Shah Road, New Delhi (hereinafter '**DIAC**').
- c. The remuneration of the Arbitrator shall be in terms of DIAC



(Administrative Cost and Arbitrators' Fees) Rules, 2018.

- d. 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.
 - e. The parties shall approach the Arbitrator within two (2) weeks from today.
12. 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.
13. The petition stands disposed of in the aforesaid terms.
14. All pending applications stand disposed of.
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 4, 2025

Vivek/-