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

+ **ARB.P. 1771/2025 & I.A. 26408/2025**

M/S N. K. GUPTA AND CO.

.....Petitioner

Through: Mr. Avinash Trivedi and
Mr. Rhythem Nagpal, Advocates

versus

**I AND FC DEPARTMENT GOVT OF NCT OF
DELHI**

.....Respondent

Through: Ms. (appearance not given), Advocate

CORAM:

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

27.10.2025

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1. This is a petition under Section 11(6) of the Arbitration and Conciliation Act, 1996 (hereinafter 'the Act'), seeking appointment of a Sole Arbitrator for adjudication of the disputes between the parties arising out of a General Conditions Contract of 2014 (hereinafter 'the GCC').
2. Counsel for the petitioner submits that the GCC contains an arbitration clause, *i.e.* Clause 25, which provides for adjudication of disputes arising between the parties by way of arbitration.
3. He further submits that since there were disputes between the parties, the petitioner invoked the aforesaid arbitration clause *vide* legal notice dated 14th October, 2024 under Section 21 of the Act.
4. No response has been received by the petitioner. Hence, the petitioner has been constrained to approach this Court seeking appointment of a Sole



Arbitrator.

5. Issue Notice.

6. Counsel accepts notice on behalf of the respondent and submits that the dispute which is subject matter of the present petition is time barred. She further submits that the final bill was not submitted by the petitioner to the respondent.

7. In terms of the arbitration clause between the parties, 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).

8. In my view, all the aforesaid objections can be raised before the Arbitrator in the arbitration proceedings.

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

- a. Mr. Akhilesh Kumar (Mobile No.: +91-9811420440), is appointed as a Sole Arbitrator to adjudicate the disputes between the parties.
- b. 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.
- c. The remuneration of the Arbitrator shall be in terms of Schedule IV of the Act.
- d. The parties shall approach the Arbitrator within two (2) weeks



from today.

10. 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 objection, as well as claims on merits of the dispute of either of the parties, are left open for adjudication by the Arbitrator.

11. The present petition stands disposed of in the above terms.

12. 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

OCTOBER 27, 2025
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