



2025:DHC:10311-DB



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

Date of Decision: 20.11.2025

+ **FAO(OS) (COMM) 271/2024 and CM APPL. 67957/2024**
M/S WIRETEL SOLUTION PVT.LTDAppellant
Through: **Mr. Ravikesh Kumar Sinha,**
Adv.

versus

M/S ANNU INFRA CONSTRUCT INDIA PVT. LTD.
THROUGH MANAGING DIRECTORRespondent
Through: **Mr. Deepak Dahiya, Adv.**

CORAM:
HON'BLE MR. JUSTICE ANIL KSHETARPAL
HON'BLE MR. JUSTICE HARISH VAIDYANATHAN
SHANKAR

J U D G M E N T (O R A L)

ANIL KSHETARPAL, J.

1. Through the present Appeal, the Appellant assails the correctness of an order dated 04.09.2024 [hereinafter referred to as 'Impugned Order'] passed by the learned Single Judge in OMP (COMM) 40/2023 captioned ***Wiretel Solution Pvt. Ltd. v. Annu Infra Construct India Pvt. Ltd.***

2. Admittedly, the Petition filed by the Appellant under Section 34 of the Arbitration and Conciliation Act, 1996 [hereinafter referred to as 'AC Act'] against the Award passed by the learned Arbitrator is pending adjudication before the learned Single Judge.

3. On 04.09.2024, learned counsel representing the Appellant had submitted that the Award passed by the Arbitrator is liable to be set

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aside, as the appointment of the Arbitrator is unilateral, while relying on the judgment passed by a Division Bench of this Court in ***Govind Singh v. M/s Satya Group Pvt Ltd and Anr***; 2023 SCC OnLine Del 37.

4. The learned Single Judge observed that there is not even a whisper of an allegation in the Petition that the appointment of the Arbitrator was unilateral. Thereafter, the learned Single Judge rejected this contention of the Appellant and adjourned the matter to 21.11.2024.

5. Learned counsel representing the Appellant submits that after October 2015, unilateral appointment of the Arbitrator is not permissible. However, in the present case, the Arbitrator was nominated by the Respondent on 27.11.2019.

6. *Per contra*, learned counsel representing the Respondent submits that the Appellant had participated before the learned Arbitrator and did not object to his jurisdiction. Learned counsel further submits that the learned Arbitrator was nominated on the request of the Appellant and the Appellant never objected to the Award on the ground that the Arbitrator was unilaterally appointed by the Appellant.

7. This Court has heard the submissions made by the learned counsel representing the parties.

8. In the opinion of this Bench, it is not appropriate to make any observations which affect the merits of the case while passing daily



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orders. As is evident, the Petition under Section 34 of the AC Act is still pending adjudication.

9. Keeping in view the aforesaid facts, the present Appeal is disposed of with the observation that the learned Single Judge will proceed to decide the Petition under Section 34 of the AC Act comprehensively and uninfluenced by the observation made in the Impugned Order.

10. The parties, along with their respective counsel, are directed to appear before the learned Single Judge on 05.12.2025 i.e. the date already fixed.

11. The pending application also stands closed.

ANIL KSHETARPAL, J.

HARISH VAIDYANATHAN SHANKAR, J.

NOVEMBER 20, 2025

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