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IN THE HIGH COURT OF DELHI AT NEW DELHI

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O.M.P.(I) (COMM.) 465/2025 & I.A. 27582/2025, I.A. 27583/2025

AVECON HEALTHCARE PRIVATE LIMITEDPetitioner

Through: Mr. Deepak Jain, Adv, Ms. Jaspreet Kaur, Adv, Ms. Anoushka Singh, Adv, Ms. Dashampreet Kaur, Adv, Mr. Sajal Gupta, Adv, Mr. Arsh Raina, Adv, Mr. Devender, Adv, Ms. Himani Garg., Adv.

versus

CENTRAL MEDICAL SERVICES SOCIETY & ANR.

.....Respondents

Through: Mr. Kamal Kant Jha, CGSC with Mr. Avinash Singh, Adv. for R2
Ms. Aakanksha Kaul, Mr. Aman Sahani, Ms. Ashima Chopra, Adv. for R1

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

21.11.2025

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1. This is a petition filed under Section 9 of the Arbitration and Conciliation Act, 1996 seeking the following reliefs:

“a) Grant ex-parte Ad-interim orders and/or direction in favor of the Petitioner and against the Respondents for procuring the 43,21,250 (Forty Three Lakhs Twenty-one Thousand Two Hundred Fifty) tests already manufactured for Kit-3 and for Kit-4 collectively worth Rs. 3,86,60,265 (Rupees Three Crore Eighty-six Lakhs Sixty Thousand Two Hundred Sixty-five) approximately which were manufactured as per the technical specifications of the said Tender/Contract on account of their fleeting shelf life; OR



(b) Grant ex-parte ad-interim orders and/or direction in favor of the Petitioner against the Respondent calling upon the Respondent to issue Purchase Orders in line with the terms of the said Tender/Contract or to cancel the Purchase Orders issued under the said Tender/Contract to the Petitioner herein in case Respondents insists on imposing its arbitrary, unreasonable and undisclosed conditions revised after award of the said Tender/Contract;

(c) Grant ex-parte Ad-interim orders and/or direction in favour of the Petitioner against the Respondents, calling upon them to release the payment of Rs. 15,99,313 (Fifteen Lakhs Ninety Nine Thousand Three Hundred Thirteen only) towards the batch R172417 already dispatched after due approval as per the specifications of the said Tender/Contract.

(d) Grant ex-parte ad-interim orders and/or direction in favor of the Petitioner against the Respondent calling upon the Respondent to cease and desist from making any deductions under the head of liquidated damages as imposed in the amended Purchase Orders;

(e) Grant ex-parte ad-interim orders and/or direction in favor of the Petitioner against the Respondent calling upon the Respondent to not encash the Bank guarantee offered by the Petitioner against LOA for Kit-3 and Kit-4 bearing BG No. 0498NDLG00010324 (For Rs. 1855651.97) dated 01.11.2023 and BG No. 0498NDLG00010124 (For Rs. 63834.22) dated 01.11.2023 and return to the petitioner duly discharged.



respectively;

(f) Grant ex-parte ad-interim orders and/or direction in favor of the Petitioner against the Respondent calling upon the Respondent to not take any action towards blacklisting the Petitioner”

2. Ms. Kaul, learned standing counsel appears for respondent No. 1 and Mr. Jha, learned CGSC appears for respondent Nos. 2.
3. All the parties are agreeable that if an Arbitrator is appointed, the present petition can be treated as an application under Section 17 of the Arbitration and Conciliation Act, 1996 and be decided in accordance with the law.
4. For the said reasons, the petition is disposed of with the following directions:-
 - i) Mr. Gautam Narayan, Sr. Adv. (Mob. No. 9811411735) 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.

5. The Arbitrator is requested to treat the present petition as an application under Section 17 of the Arbitration and Conciliation Act, 1996 and dispose it of expeditiously and not later than 2 weeks from today.

6. Till the application is decided by the Arbitrator no coercive action shall be taken by the respondents.

7. Accordingly, the present petition is disposed of with pending applications, if any.

JASMEET SINGH, J

NOVEMBER 21, 2025/AS