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

+ **ARB.P. 1862/2025 and I.A.27705/2025**

IRB WESTCOAST TOLLWAY LTD & ORS.Petitioners

Through: Mr. Atul Nanda, Sr. Advocate with
Ms. Rameeza Hakeem and Dr.
Rajeshwar Singh, Advocates.

versus

NATIONAL HIGHWAYS AUTHORITY OF INDIA.....Respondent

Through: Mr. Ankur Mittal with Ms. Jutirani
Talukdar, Advocates.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

ORDER

% **01.12.2025**

1. The instant petition is for the following relief:

“a) Appoint a Presiding Arbitrator in accordance with Section 11 (6) of the Arbitration and Conciliation Act, 1996 to adjudicate the disputes between the parties arising out of or in connection with the Concession Agreement dated 25.03.2013 (Document - 1).”

2. It appears that a dispute has arisen between the parties with respect to the Concession Agreement dated 25.03.2013 for a highway project.

3. An arbitral tribunal had previously been constituted, but it recused itself on 16.07.2025 due to a disagreement regarding the tribunal's fee.

4. Following the recusal, both the parties nominated their respective nominee arbitrators. The nominee arbitrators could not arrive at a consensus



for presiding arbitrator. The petitioner, therefore, has approached this Court for appointment of presiding arbitrator.

5. During the course of hearing, both the parties have suggested their respective names for appointment of the presiding arbitrator.

6. The Court, however, appoints Hon'ble Mr. Justice B.R. Gavai, former Chief Justice of India (Mobile No. +91 9310524404/ 9911263230 Email no. pstojusticegavai@gmail.com) to be the presiding arbitrator.

7. Under the facts of the case and with the consent of the parties, the Court leaves it open for them and the Arbitral Tribunal to arrive at any practical fee schedule to be adhered to for arbitration.

8. With respect to petitioner nos.2 and 3, this order shall remain subject to pending proceedings in Arb. Appeal (COMM) 16/2025.

9. The petition, along with pending applications stand disposed of.

PURUSHAINDR KUMAR KAURAV, J

DECEMBER 1, 2025

tr/mj