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

+ **ARB.P. 1879/2025 & I.A. 27855/2025**

GLOBE CIVIL PROJECTS LIMITED

.....Petitioner

Through: Mr. Rahul Malhotra and Ms. Sneha
Agarwal, Advocates

versus

GOVT OF NCT OF DELHI

.....Respondent

Through: Mr. Anubhav Gupta, Adv.

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

11.11.2025

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1. The present petition has been filed under Section 11(6) of the Arbitration and Conciliation Act, 1996 [A&C Act] by the Petitioners seeking appointment of an Arbitrator to adjudicate upon the disputes which have arisen between the Parties under a Agreement dated 24.01.2013.
2. Material on record indicates that the Petitioner was awarded a tender by the Respondent for "Construction of 200 Bedded Hospital at Kaushik Enclave, Burari, Delhi. (SH-Hospital Block, RMO Hostel and Staff Quarters including Internal water supply, Sanitary installation, External Drainage and Water Supply, Rain Harvesting, Tube Well, STP, Site Development, Internal Electrical Installations, Piping for Fire Fighting & External Electrical Lighting Works)" on 27.11.2012. Thereafter, an Agreement dated 24.01.2013 was signed between the parties. The Petitioner completed the work on 16.07.2021. Dispute arose between the parties and the Petitioner



invoked arbitration on 10.03.2023. With the mutual consent of the parties, a Sole Arbitrator was appointed. The Petitioner/Claimant invoked Clause 25 of the Agreement and referred 4 fresh claims emanating out of the same cause of action to the Executive Engineer. The Executive Engineer denied referring the said claims to the Ld. Sole Arbitrator on the ground that the claims were not substantiated by the Claimant. The Ld. Sole Arbitrator found that under the scheme of Clause 25 of the Agreement, the Ld. Sole Arbitrator can only adjudicate claims that have been referred to it, and therefore, unless the said 4 fresh claims are referred, they cannot be adjudicated by the Ld. Sole Arbitrator. The Petitioner, thereafter, filed an petition before this Court under Section 11 of the A&C Act being ARB. Pet. No. 1337/2024 seeking appointment of an Arbitrator in respect of the said additional 4 claims. In the given facts, this Court referred the additional claims to the Ld. Sole Arbitrator vide Order dated 29.04.2025. The Ld. Sole Arbitrator in his Order dated 17.07.2025 took note of the additional claims referred to him by this Court. The Ld. Sole Arbitrator noted that despite repeated Orders, the parties are yet to submit written express agreement under Section 12(5) of the A&C Act and once again directed the parties to file the said agreement within a period of 15 days. It is stated that the Respondent failed to give waiver under Section 12(5) of the A&C Act in respect of the Ld. Sole Arbitrator already appointed and undertaking arbitration proceedings between the parties.

3. The Petitioner, by way of the present petition, prays before this Court that the original/initial 9 claims of the Petitioner may be referred to arbitration of the already constituted Arbitral Tribunal comprising of Ld. Sole Arbitrator, as it had been done for the 4 additional claims by this Court



vide Order dated 29.04.2025 passed in ARB. Pet. No. 1337/2024.

4. Learned Counsel appearing for the Petitioner seeks permission to withdraw the present petition with liberty to take recourse to all such steps, as may be available, in accordance with law, including filing of a fresh petition under Section 11 of the Arbitration and Conciliation Act, 1996 for adjudicating the entire disputes.

5. Permission and liberty, as sought for, are granted.

6. The petition is disposed of as withdrawn, along with pending application(s), if any.

SUBRAMONIUM PRASAD, J

NOVEMBER 11, 2025

S. Zakir