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

+ **ARB.P. 1943/2025 & I.A. 32167/2025**

M/S KSHEERAABD CONSTRUCTION PVT LTDPetitioner

Through: Mr. Vikas Mehta, Ms. Anshula Grover, Mr. Mayan Prasad, Mr. Kartik Pandey, Ms. Diksha Priya, Advs.

versus

NATIONAL HIGHWAYS AND INFRASTRUCTURE DEVELOPMENT CORPORATION LTDRespondent

Through: Mr. Abhinav Mukerji, Senior Advocate with Mr. Anshul Rai, Ms. Mallika Ranjan, Ms. Khushboo Hora, Advocates

**CORAM:
HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD**

ORDER
23.12.2025

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1. This is a petition under Section 11(4) of the Arbitration & Conciliation Act for appointment of an Arbitrator to adjudicate the disputes between the parties.
2. The facts of the case as stated by the Petitioner reveal that disputes have arisen between the parties in relation to contract dated 01.06.2022 for construction of two lane with hard shoulder of Kohima-Jessami road on NH-29 from existing Km 30.474 (near Kidwema road Chakabama) to existing Km 53.220 (near Kikrumba Village) (Design Km 29.600 to Km 51.5)- Length 21.900 Km under Bharatmala Pariyojana on EPC mode (Package-



III).

3. It is stated that since the Respondent failed to reply to the notice issued under Section 21 of the Arbitration & Conciliation Act invoking arbitration, the Petitioner has approached this Court for appointment of an Arbitrator.

4. The said contract contains an arbitration clause. The seat of arbitration is Delhi. It is stated that disputes have also arisen regarding the bank guarantees which according to the Respondent are fraudulent.

5. Notice was issued in the matter on 19.11.2025. The Respondent stands served.

6. Learned Senior Counsel for the Respondent states that criminal cases have been registered by the CBI regarding the Bank Guarantees.

7. Be that as it may, in view of the fact that disputes have arisen between the parties, this Court is inclined to appoint Justice B. R. Gavai, former Chief Justice of India, (Mob:-9310524404) as the Sole Arbitrator to adjudicate the disputes between the parties.

8. It is open for the Respondent to file an application under Section 16 of the Arbitration & Conciliation Act before the learned Arbitrator and it is for the learned Arbitrator to decide whether the disputes referred to arbitration are arbitrable or not in the facts of the present case. It is made clear that this Court has not made any observation on the said aspect.

9. The fees of the learned Sole Arbitrator shall be fixed as per the Fourth Schedule of the Arbitration & Conciliation Act, 1996.

10. The learned Arbitrator is also requested to file the requisite disclosure under Section 12(2) of the Arbitration & Conciliation Act, 1996 within two weeks of entering into reference.



11. All rights and contentions of the parties in relation to the claims/counter-claims are kept open, to be decided by the learned Arbitrator on their merits, in accordance with law.
12. Needless to say, nothing in this order shall be construed as an expression of this Court on the merits of the contentions of the parties.
13. The petition is disposed of along with pending application(s), if any.

SUBRAMONIUM PRASAD, J

DECEMBER 23, 2025

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