



2025:DHC:11953



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **ARB.P. 2036/2025**

Date of Decision: **19.12.2025****IN THE MATTER OF:**

M/S HIGHWAY ENGINEERING
CONSULTANT, BHOPAL

.....Petitioner

Through: Ms. Nandadevi Deka and Mr.
Shashwat Pratyush and Ms. Shubhra
Sharma, Advs.

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Mr. Soumyadip Chakraborty, Adv.
for Mr. Neeraj (SPC), Mr. Sanjay Pal
(GP).

CORAM:**HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV****JUDGEMENT****PURUSHAINDRA KUMAR KAURAV, J. (ORAL)**

1. Mr. Soumyadip Chakraborty, Advocate has appeared for the respondents.
2. A dispute has arisen with respect to the agreement dated 25.04.2018. As per the case set up by the petitioner, the agreed contract value was exclusive of GST. Earlier, the tribunal was constituted, however, owing to some reasons, the presiding Arbitrator resigned and later on, the members of the tribunal could not appoint a presiding arbitrator. The tribunal, thereafter,

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became incapable of functioning and the arbitration procedure had collapsed.

3. Learned counsel appearing for the respondents, on instructions, submits that, reserving all his rights and contentions, the Court may consider to appoint the arbitrator.

4. The parties, therefore, contend that instead of arbitral tribunal consisting of two members and a presiding officer, the Court may consider appointing a sole arbitrator.

5. Considering the fact that disputes have arisen between the parties and there is an arbitration agreement between the parties, there is no impediment in the appointment of the Sole Arbitrator.

6. Accordingly, Mr. R.S. Rathi (Mobile No.98108 68733, e-mail id: rsrathiadvocate@gmail.com) is appointed as the sole Arbitrator.

7. The arbitration would take place under the aegis of the Delhi International Arbitration Centre (DIAC) and in terms of its rules and regulations. The learned Arbitrator shall be entitled to fees as per the Schedule of Fees maintained by the DIAC.

8. The learned arbitrator is also requested to file the requisite disclosure under Section 12 (2) of the Act within a week of entering reference.

9. All rights and contentions of the parties in relation to the claims/counter-claims are kept open, to be decided by the Sole Arbitrator on their merits, in accordance with law.

10. Needless to say, nothing in this order shall be construed as an expression of opinion of this Court on the merits of the controversy between the parties. Let a copy of the instant order be sent to the Sole Arbitrator through electronic mode as well.

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11. Accordingly, the instant petition stands disposed of.

PURUSHAINDRA KUMAR KAURAV, J
DECEMBER 19, 2025/p/ksr

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