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

+ O.M.P.(I) (COMM.) 436/2024

M/S GNA CONSTRUCTION PVT. LTD.

.....Petitioner

Through: Mr. Anshul Mittal, Ms. Khushi
Aggarwal, Ms. Deepshika Kaur
Anand, Advs.

versus

GOVERNMENT OF NCT OF DELHI AND ANR

.....Respondent

Through: Ms. Avni Singh, Panel Counsel with
Mr. Bhagchand Meena (Executive
Engineer PWD)
Ms. Rashmi, Adv. with Mr. Ashish
Mahajan, AR for IndusInd Bank, for
R-2

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

25.04.2025

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1. This is a petition filed under Section 9 of Arbitration and Conciliation Act, 1996 seeking directions against the respondent No. 1 from encashment of bank guarantee.
2. The encashment of bank guarantee was stayed subject to deposit of FDR/complete amount which has already been so done.
3. During the course of hearing, the respondent No. 1 was asked to obtain instruction for appointment of an Arbitrator as the Contract for strengthening of Rani Jhansi Road from St. Stephen's Hospital to Filmistan



contained an arbitration clause being Clause No. 25 of the GCC.

4. Names of 9 arbitrators were proposed by the petitioner, out of which the respondent No. 1 is agreeable to Serial No. 8, i.e. Mr. Manoj Kumar Mahobia.
5. With consent of parties, the petition is allowed and the following directions are issued:-
 - i) Mr. Manoj Kumar Mahobia (Mob. No. 9836198268, 9999538470) 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) As per the Clause 25.6, fees payable to the Sole Arbitrator shall be as per CPWD OM No. 2/2006/SE(TLC)/CSQ/137 dated 19.11.2019 (or latest amendment) and shall be shared equally by both the parties
 - iv) The learned Arbitrator is requested to furnish a declaration in terms of Section 12 of Arbitration and Conciliation Act, 1996 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.
6. The email dated 24.04.2025 handed over in Court today is taken on record.
 7. The present petition is disposed of in the aforesaid terms.

JASMEET SINGH, J

APRIL 25, 2025/sp

Click here to check corrigendum, if any