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

+ **ARB.P. 48/2025**

**BUILDWELL CONSTRUCTION COMPANY THROUGH
PARTNER YOGINDER SAREENPetitioner**

Through: **Mr. Lalitaksh Joshi and Ms. Ananya
Sanjiv Saragi, Advocates.**

versus

**NATIONAL HIGHWAY AUTHORITY OF INDIA THROUGH ITS
PROJECT DIRECTOR & ANR.Respondents**

Through: **Mr. Junaid Akhtar, Mr. Usman Ali
Khan, Mr. Rohit Ranjan Kumar,
Advocates for R-1.
Ms. Astha Sharma and Mr. Chandan
Kumar, Advs for R-2.**

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

**ORDER
21.02.2025**

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1. This is a petition under Section 11(6) of the Arbitration and Conciliation Act, 1996 by the Petitioner seeking appointment of an Arbitrator as per the Clause 25 of the Agreement dated 12.12.2017 to adjudicate upon the disputes which have arisen between the parties.
2. Material on record indicates that agreement dated 12.12.2017 was executed between the Petitioner and Respondent No.1 for the work of periodic renewal by re-surfacing and other safety devices from 2-Lane Chennai-Nashri Stretch (old alignment) from Km. 89.00 to Km. 130.00 of NH-44 in the State of Jammu & Kashmir. It is stated that the work was to be



completed by 03.07.2018. However, the work was completed on 25.10.2019.

3. It is stated that the Petitioner made several representations requesting the Respondent to fulfil their obligations under the contract. It is stated that since the Petitioner suffered huge losses due to the breaches by the Respondent and the Respondent did not pay any compensation for the said losses, the Petitioner issued notice dated 15.02.2021 under Section 21 of the Arbitration & Conciliation Act invoking arbitration. The same was replied by Respondent No.2 asking for documents from the Petitioner.

4. It is stated that the Petitioner had filed a petition being ARB.P.282/2021 before the Punjab & Haryana High Court under Section 11(6) of the Arbitration & Conciliation Act. However, on 09.09.2024, the Petitioner was permitted to withdraw the said petition with liberty to approach the court of competent jurisdiction.

5. The Petitioner has now approached this Court by filing the present petition under Section 11(6) of the Arbitration & Conciliation Act seeking appointment of an Arbitrator to adjudicate upon the disputes between the parties.

6. This Court on 09.01.2025 had issued notice in the matter and directed the learned Counsel for the Respondent/NHAI to take instructions as to whether the Presiding Arbitrator can be appointed by this Court or not.

7. Learned Counsel for the Respondent/NHAI states that in the facts of this case and not as a matter of concession, this Court can appoint the Presiding Arbitrator.

8. Accordingly, Mr. Manmohan Singh (Mobile No.:9717495001), Former Judge of Delhi High Court, is appointed as the Sole Arbitrator to



adjudicate upon the disputes between the parties.

9. The learned Arbitrator shall be entitled to fees 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 a week of entering on 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 present petition stands disposed of in the above terms along with pending application(s), if any.

SUBRAMONIUM PRASAD, J

FEBRUARY 21, 2025

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