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

+ O.M.P. (T) (COMM.) 125/2025 & I.A. 31402/2025

**SAMKHALI BHACHAU GANDHIDHAM TOLLWAY PRIVATE
LIMITED**

.....Petitioner

Through: Ms. Mumtaz Bhalla, Mr. Harshul
Choudhary, Ms. Simran Kaur,
Advocates

versus

NATIONAL HIGHWAYS AUTHORITY OF INDIA & ANR.

.....Respondents

Through: Mr. Rishi K. Awasthi and Mr. Rahul
Raj Mishra, Advocates

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER
16.12.2025

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1. This is an application under Section 15 of the Arbitration & Conciliation Act, 1996 for substitution of the Presiding Arbitrator to adjudicate the disputes which have arisen between the parties under the Concession Agreement dated 17.03.2010 read with Supplementary Agreement dated 11.03.2016.
2. It is stated that this Court *vide* Order dated 10.11.2025 passed in ARB.P. No.1830/2025 appointed Justice Indu Malhotra, former Judge of the Supreme Court of India, as the Presiding Arbitrator to adjudicate the disputes between the parties.
3. It is stated that the learned Presiding Arbitrator *vide* letter dated 02.12.2025 recused herself from the present arbitration proceedings on the



ground that Respondent No.1 was a party before her in some pending arbitration matters and therefore, she would avoid appointment as the Presiding Arbitrator till the disposal of some of those cases. Consequently, the Petitioner has approached this Court for appointment of a substitute Presiding Arbitrator.

4. Accordingly, Justice Adarsh Goel, former Judge of the Supreme Court of India (Mob:- 9910213040) is appointed as the Presiding Arbitrator to adjudicate upon the disputes between the parties.

5. The fee of Arbitrators and expenses incurred in the Arbitration proceeding shall be shared by the Parties in equal proportion in terms of Rule 15.10 of SAROD Rules.

6. The Arbitral Tribunal is also requested to file the requisite disclosure as per Section 12(2) of the Arbitration Act within a week of entering on reference.

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

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

SUBRAMONIUM PRASAD, J

DECEMBER 16, 2025

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