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

+ **O.M.P.(I) (COMM.) 538/2025**

M P KHAITAN

.....Petitioner

Through: Mr. Rajat Joneja, Mr. Anmol Kumar,
Ms. Cheshta Dalal, Advs.

versus

WAPCOS LIMITED

.....Respondent

Through: Mr. Tushar Sannu, SC with Ms. Ankita
Bhadoriya, Ms. Ishika Jain, Ms. Shaoni Das, Ms.
Akansha Vidhyarthi, Ms. Shambhavi, Advs.

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

% **24.12.2025**

I.A. 32783/2025 and I.A. 32784/2025

Exemptions allowed, subject to all just exceptions.

The applications are disposed of.

O.M.P.(I) (COMM.) 538/2025

1. This is a petition filed under Section 9 of the Arbitration and Conciliation Act, 1996 (*"the Act"*) seeking the following reliefs:

"a. Pass an interim order directing the Respondent to issue a foreclosure letter in relation to the Project i.e., convention centre and other associated structures in Aizwal, Mizoram underlying the Notice inviting tender dated 26. 11.2021;

b. Pass an interim order directing the Respondent to undertake a joint measurement of the Project works carried out by the Petitioner thereby enabling the Petitioner to submit its final bill;

c. Pass an interim order directing the Respondent to take over possession of the Project i.e., convention centre and other associated structures in Aizwal, Mizoram underlying the Notice



inviting tender 26.11.2021 on an 'as is where is basis';

d. Pass an interim order directing the Respondent to deposit with the registry of this Hon'ble Court, the dues admitted as on date to the tune of I INR 3,24,92,806.00/- ;

e. Pass ex parte ad-interim order in terms of prayers (a) to (d) above;

.... ”

2. Mr. Joneja, learned counsel for the petitioner, states that since the payments have not been cleared in time by the respondent, the petitioner is suffering immensely and does not wish to carry on with the project any further.

3. For the reasons stated, issue notice.

4. Mr. Sannu, accepts notice on behalf of the respondent and states that Department of Tourism, Government of India, should be impleaded as respondent No. 2 as it is the principal employer.

5. On oral request of the parties, Department of Tourism, Government of India is impleaded as respondent no. 2 as the work is carried out in their benefit and they are the principal employer.

6. After some arguments, it is admitted that since there is an Arbitration Clause in the awarded work being Clause 25 of the SCC and there are disputes between the parties which need to be adjudicated, an Arbitrator should be appointed.

7. I am of the view that the disputes can be referred to arbitration.

8. For the said reasons, the petition is allowed and the following directions are issued:-

i) Mr. Justice Najmi Waziri, (Former Judge, Delhi High Court) (Mob. No. 9810097311) 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) The remuneration of the learned Arbitrator shall be in terms of DIAC (Administrative Cost and Arbitrators' Fees) Rules, 2018.
 - iv) The learned Arbitrator is requested to furnish a declaration in terms of Section 12 of the Act 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 three weeks from today.
9. The Arbitrator shall consider the present petition as an application under Section 17 of the Act and dispose of the same expeditiously and not later than 4 weeks from the receipt of the Order.
10. In the meanwhile, the petitioner and the respondent shall take joint measurement of the project works carried out by the petitioner on 12.01.2026 to enable the petitioner to submit its final bill.
11. The present petition is disposed of in the aforesaid terms.

DECEMBER 24, 2025/AS

JASMEET SINGH, J