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

+ O.M.P. (COMM) 9/2021 & I.A. 61/2021

UNION OF INDIA

.....Petitioner

Through: Ms. Arunima Dwivedi, CGSC with
Ms. Himanshi Singh, Advs.

versus

M/S SHIVA CONST. COMPANY

.....Respondent

Through: Mr. SW Haider, Ms. Pooja Dua and
Ms. Urzica Chauhan, Advs.

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

11.03.2026

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1. A perusal of the claim statement shows that the total claim amount is Rs.1,86,66,114/-.
2. Section 12(2) of the Commercial Courts Act, 2015 which defines the suit value, especially for arbitration, reads as under:-

“12.(2) The aggregate value of the claim and counterclaim, if any as set out in the statement of claim and the counterclaim, if any, in an arbitration of a commercial dispute shall be the basis for determining whether such arbitration is subject to the jurisdiction of a Commercial Division, Commercial Appellate Division or Commercial Court, as the case may be.”

3. Since the total claim amount is less than Rs.2 crores and there being no counter claim, the challenge under Section 34 of the Arbitration & Conciliation Act, 1996 is returned to the Petitioner to be filed before the



court of competent jurisdiction.

4. Needless to state that the benefit of Section 14 of the Limitation Act, 1963 would be available to the Petitioner.
5. The petition is disposed of along with pending application(s), if any.

SUBRAMONIUM PRASAD, J

MARCH 11, 2026

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