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

+ **ARB.P. 222/2026 & I.A. 2863/2026**

M/S MULTI BUILDERS

.....Petitioner

Through: Mr. Vikas Mehta, Ms. Anshula Grover, Mr. Mayan Prasad, Mr. Vaishak Omanakuttan, Ms. Diksha Priya and Mr. Vaishnav Kumar, Advs.

versus

**M/S NATIONAL HIGHWAYS INFRASTRUCTURE
DEVELOPMENT CORPORATION LTD**

.....Respondent

Through: Mr. Abhinav Mukerjee, Sr. Adv with Mr. Anshul Rai, Ms. Mallika Ranjan, Ms. Archita Nigam, Ms. Khushboo Mora and Ms. Bihu Sharma, Advs.

CORAM:

HON'BLE MR. JUSTICE AVNEESH JHINGAN

ORDER

% **20.03.2026**

1. This petition is filed under Section 11(4) of the Arbitration and Conciliation Act, 1996 (for short 'the Act') seeking appointment of an arbitrator in pursuance of the contract agreement dated 17.06.2021.
2. The brief facts are that the respondent awarded a tender to the petitioner for "Construction of 2 Laning with Hard Shoulder of Peren – Dimapur section on NH – 129A from Design Km 163.592 to Km 173.850 (Length – 10.258 Km) in the state of Nagaland on EPC mode (Pkg – IV) under NH (O) TSP" (hereinafter referred to as "the Package IV ") and an agreement dated 12.04.2021 for "Construction of 2 Laning with Hard



Shoulder of Peren – Dimapur section on NH – 129A from Design Km 173.850 to Km 190.850 (Length – 17.00 Km) in the state of Nagaland on EPC mode (Pkg – V) under NH(O) – TSP” (hereinafter referred to as “the Package V”).

2.1 Clause 26.3 of the contract provides for dispute resolution through arbitration. Dispute arose between the parties and the contracts were terminated. The petitioner served a notice dated 11.08.2025 under Section 21 of the Act and hence the present petition.

3. Learned counsel for the respondent raises a preliminary objection that a consolidated petition under Section 11 of the Act has been filed for appointment of an arbitrator in respect of two separate contracts.

4. At this stage, learned counsel for the petitioner submits that this petition be treated under Section 11 of the Act qua Package V with liberty to file a fresh petition for Package IV.

5. The prayer is accepted.

6. The learned counsel for the respondent contends that the banks guarantees furnished by the petitioner were found to be forged and criminal proceedings and civil suits have been instituted vis-à-vis the same. He further seeks liberty to raise all issues before the arbitrator at an appropriate stage, however, does not dispute the existence of an arbitration clause.

7. Accordingly, the petition is allowed by appointing Hon’ble Mr. Vipin Sangi, High Court Judge (Retd.) (Mobile No.: 9871300037), with the consent of the parties, as the sole arbitrator for adjudication of the disputes which have arisen between the parties.

8. The fees of the learned Arbitrator will be governed by Schedule IV of the Act. Before entering upon reference, the learned Arbitrator will comply



with Section 12 of the Act.

9. It is made clear that since this Court has not expressed any opinion on the merits of the rival claims of the parties, it will be open for the parties to file their respective claims/counter claims before the learned Arbitrator which will be considered in accordance with law.

10. A copy of this order be forwarded to the learned Arbitrator for information.

AVNEESH JHINGAN, J

MARCH 20, 2026/Pa