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

\# **CNR No. DLHC010051192026**

\+ ARB.P. 283/2026 & I.A. 3997/2026

JAMSHED ALI AND SONS .....Petitioner

Through: Mr. Anshul Mittal, Mr. Sparsh Aggarwal, Mr. Vishwam Mishra, Mr. Pranay Bhati, Advocates.

versus

UNION OF INDIA .....Respondent

Through: Mr. Bhagvan Swarup Shukla, CGSC with Mr. Mukesh Paney, Mr. Praveen Gupta, Ms. Saumya Srivastav, Advocates.

\# **CNR No. DLHC010051122026**

\+ ARB.P. 284/2026 & I.A. 4001/2026

JAMSHED ALI AND SONS .....Petitioner

Through: Mr. Anshul Mittal, Mr. Sparsh Aggarwal, Mr. Vishwam Mishra, Mr. Pranay Bhati, Advocates.

versus

UNION OF INDIA .....Respondent

Through: Mr. Bhagvan Swarup Shukla, CGSC with Mr. Mukesh Paney, Mr. Praveen Gupta, Ms. Saumya Srivastav, Advocates.

CORAM:
HON'BLE MR. JUSTICE PRATEEK JALAN

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O R D E R

% 27.10.2026

1. By way of these petitions under Section 11(6) of the Arbitration and Conciliation Act, 1996 [“the Act”], the petitioner seeks appointment of an Arbitrator to adjudicate disputes between the parties arising under Letters of Acceptance dated 18.10.2024 [hereinafter, “the Agreements”].

2. The Agreements are admittedly subject to a dispute resolution clause [Clause 25 of the General Conditions of Contract], which provides for settlement of disputes by the Special Director General or the Additional Director General of the Central Public Works Department concerned with the work. Failing satisfactory resolution, the disputes are to be referred to the Appointing Authority [the concerned Chief Engineer or the Superintending Engineer] for appointment of a sole Arbitrator or a three-member Tribunal, depending upon the amount of the claim.

3. Disputes having arisen between the parties, the petitioner invoked arbitration *vide* legal notices dated 12.06.2025 [in ARB.P. 284/2026] and 23.09.2025 [in ARB.P. 283/2026], which have failed to elicit any response. The petitioner has, therefore, approached this Court seeking appointment of an Arbitrator.

4. Mr. Bhagvan Swarup Shukla, learned Central Government Standing Counsel, has entered appearance on behalf of the respondent, and does not dispute the existence of the arbitration clause or the invocation thereof. However, he seeks an opportunity to resolve the disputes by way of mediation. Mr. Anshul Mittal, learned counsel for the petitioner, does not object to the same.

5. Having regard to the aforesaid, I am of the view that the

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appropriate course of action is to refer the parties to mediation, while also appointing an Arbitrator, who may adjudicate the disputes in the event the mediation proceedings are unsuccessful.

6. It is not disputed that, in the facts of the present cases, the disputes are required to be adjudicated by a Sole Arbitrator. Learned counsel for the parties also submit that, as arbitration is sought under both the Agreements between the same parties, the same Arbitrator, with engineering qualifications may be appointed, although the proceedings will be separate in each case.

7. Accordingly, the petition is disposed of with the following directions, with the consent of learned counsel for the parties:

a. The parties are referred to mediation under the aegis of *Samadhan*, Delhi High Court Mediation and Conciliation Centre, Shershah Road, New Delhi – 110503. They will appear before the learned Mediator on 05.11.2026.

b. In the event the mediation proceedings are unsuccessful, the disputes will be adjudicated by arbitration under the aegis of the Delhi International Arbitration Centre [“DIAC”].

c. DIAC is requested to nominate an engineer from its panel as the Arbitrator.

d. The arbitration will be conducted under the Rules of the DIAC, including as to the remuneration of the learned Arbitrator.

e. DIAC is requested to keep the proceedings in abeyance for a period of six weeks from today to enable the parties to make an effort at mediation. If the disputes are not settled in mediation, either party may approach the DIAC after the expiry of six weeks, and DIAC

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will appoint an Arbitrator, who will enter upon the reference at that stage.

f. The learned Arbitrator is requested to furnish a declaration under Section 12 of the Act, prior to entering upon the reference.

8. The petitions, alongwith pending applications, stand disposed of with the aforesaid directions.

9. Needless to say, in the event the mediation proceedings are unsuccessful, all rights and contentions of the parties, including as to the arbitrability and maintainability of the claims and on merits, are left open for adjudication by the learned Arbitrator.

PRATEEK JALAN, J

OCTOBER 27, 2026
tg/KA/

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