



2026:DHC:1633



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI****Date of Decision: 24.02.2026**+ **O.M.P. (T) (COMM.) 20/2026 & I.A. 5030/2026 (For Exemption)****MS KSHEERAABD CONSTRUCTION PVT LTD**

.....Petitioner

Through: **Ms. Anshula Grover and Ms. Diksha Priya, Advocates.**

versus

NATIONAL HIGHWAYS AND INFRASTRUCTURE DEVELOPMENT CORPORATION LTDRespondentThrough: **Mr. Anshul Rai and Ms. Mallika Ranjan, Advocates.****CORAM:****HON'BLE MR. JUSTICE HARISH VAIDYANATHAN SHANKAR**

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JUDGEMENT (ORAL)**HARISH VAIDYANATHAN SHANKAR, J.**

1. The present petition has been instituted under Section 15(1)(a) read with Section 15(2) of the **Arbitration and Conciliation Act, 1996¹**, seeking the appointment of a substitute Sole Arbitrator in view of the communication dated 29.01.2026, whereby the learned Arbitrator, earlier appointed by this Court *vide* Order dated 23.12.2025, has expressed his inability to continue with the arbitral proceedings.

2. Learned counsel appearing for the parties submit that they are

¹ A&C Act



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ad idem that the disputes may be referred to a substitute Sole Arbitrator to be appointed by this Court, with all rights and contentions of the parties remaining as reserved in terms of the Order dated 23.12.2025.

3. In view of the aforesaid consensus, this Court appoints **Hon'ble Mr. Justice Sharad Arvind Bobde, Former Chief Justice of India**, as the substitute Sole Arbitrator, who shall enter upon the reference and adjudicate the disputes between the parties in accordance with law.

4. The fees of the learned Sole Arbitrator shall be fixed as per the Fourth Schedule of the A&C Act.

5. The learned Arbitrator is also requested to file the requisite disclosure under Section 12(2) of the A&C Act within two weeks of entering into reference.

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

7. Needless to say, nothing in this order shall be construed as an expression of this Court on the merits of the contentions of the parties.

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

HARISH VAIDYANATHAN SHANKAR, J.
FEBRUARY 24, 2026/nd/kr