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

+ ARB.P. 421/2026, I.A. 6516/2026 & I.A. 6517/2026

SHREE GAUTAM CONSTRUCTION CO LTDPetitioner

Through: Mr. Abhijat, Sr. Adv. with Ms. Sanam
Tripathi, Mr. Dheerash K. Dwivedi,
Mr. Satyam Gupta & Mr. Harjeet
Singh, Advs.

versus

**NATIONAL HIGHWAY INFRASTRUCTURE DEVELOPMENT
CORPORATION LIMITED**Respondent

Through: Mr. Upmanyu Tewari, Adv.

CORAM:

HON'BLE MR. JUSTICE AVNEESH JHINGAN

ORDER

07.05.2026

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1. This petition is filed under Section 11 of the Arbitration and Conciliation Act, 1996 (for short 'the Act') seeking appointment of the arbitral tribunal.
2. The brief facts are that the Ministry of Road Transport and Highways on 08.01.2015 issued a Notice Inviting Tender (NIT) for engineering, procurement and construction (for short 'EPC') of KM 6.25 to KM 10.40 section of Silchar-Badarpur section of NH-53, Assam. The petitioner was the successful bidder. Article 26.3 of the EPC Agreement dated 08.04.2015 executed between the parties provided for dispute resolution through arbitration. Dispute arose between the parties and the petitioner issued a notice invoking arbitration on 15.09.2025 proposing its name of the



arbitrator for constitution of the arbitral tribunal. On failure of the respondent to respond the present petition is filed.

3. Learned counsel for the respondent on instructions contends that they have nominated Mr. Gopal Krishna, IAS (Retd.), Secretary to Government of India, Ministry of Ports, Shipping and Waterways (Email. Gkrishna79@gmail.com) R/o D-52, Ground Floor, Saket, New Delhi-110017.

4. Learned senior counsel for the petitioner on instructions submits that they have nominated Mr. Ajoy Chandra Bordoloi, Commissioner and Special Secretary (Retd.), PWD, Government of Assam.

5. Learned senior counsel of the petitioner contends that though the respondent has lost their right to nominate but has instructions that for putting an end to proceedings under Section 11 of the Act and to expedite the matter they have no objection in accepting the name proposed by the respondent.

6. In view of Article 26.3 of the EPC Agreement and the above noted facts, this petition is disposed of considering the fact that the two members have been nominated by each of the parties and these two members shall unanimously take decision and appoint a third member.

7. Arbitral proceedings will be held under the aegis of Delhi International Arbitration Centre (DIAC). Fee of the Arbitrator shall be fixed as per fee schedule.

8. 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 and 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 Arbitrators for information.

AVNEESH JHINGAN, J

MAY 7, 2026
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