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

+ **FAO (COMM) 80/2026 CM APPL. 17431/2026**

DELHI STATE INDUSTRIAL AND DEVELOPMENT

CORPORATION LTD. (DSIIDC)Appellant

Through: Ms. Maneesha Dhir, Ms. Varsha Banerjee, Ms. Ayushi Misra, Ms. Vidhi Kapoor and Mr. Raja Chaudhry, Advs.

versus

M/S GAURAV ENTERPRISESRespondent

Through: Mr. Vijay Kinger, Mr. Vineet Kumar, Ms. Mini Panwar, Ms. Farha Shakeel and Ms. Roopa Nagpal, Advs.

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

% **05.05.2026**

1. On the last date of hearing, we had passed the following order:

"CM APPL. 17432/2026 (For exemption)

1. Exemption is allowed, subject to all just exceptions.
2. The application stands disposed of.

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3. Issue notice. Learned counsel for the respondent accepts notice.
4. Written submissions be filed by the learned counsel for the parties within six weeks.
5. The only issue which arises for consideration is whether the appointment of the Arbitrator was unilateral and was also of a person, who was earlier employed in the appellant organisation.
6. Though prima facie, we are of the view that the appointment in the present case is not unilateral, but the second ground on which the award has been set aside is because the Arbitrator was earlier working in the appellant organisation, which aspect was treated as a false declaration by the learned Arbitrator whereby imposing the cost of Rs. 1 lakh. We have put it to the counsel for



the appellant whether the appellant shall be aggregable for this Court referring the parties to arbitration under the aegis of Delhi International Arbitration Centre ['DIAC'], the counsel seeks some time to seek instructions.

7. *Renotify on 05.05.2026."*

2. The learned counsel for the appellant as per her instructions, states that the appellant is agreeable for this Court to refer the parties to arbitration under the aegis of Delhi International Arbitration Centre (DIAC).

3. If that be so, we appoint Mr. Brij Bhushan Gupta, Senior Advocate as the learned Arbitrator who shall adjudicate the disputes between the parties *de novo* under the Rules framed by the DIAC.

4. The fee of the learned Arbitrator shall be regulated under the rules of the DIAC. He shall give declaration under Section 12 of the Act.

5. In view of the above, the impugned order dated 05.01.2026 passed by the learned District Judge, Commercial Court-02, Shahdara District, Karkardooma Courts, Delhi in OMP (COMM) 6/24 as well as the award dated 04.03.2024 passed by Sh. Ramesh Tiwari I.A.S. (Retd.), Sole Arbitrator are set aside.

6. Let a copy of this order be sent to the learned Arbitrator and the Coordinator, DIAC.

7. The appeal is disposed of. Pending application is disposed of.

V. KAMESWAR RAO, J

MANMEET PRITAM SINGH ARORA, J

MAY 5, 2026/msh