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

\# **CNR No. DLHC010141822026**

\+ ARB.P. 605/2026

NARESH KUMAR .....Petitioner

Through: Mr. R.C. Tiwari, Ms. Garima Sachdeva & Ms. Antiksha, Advocates.

versus

THE KENDRIYA VIDYALAYA SANGATHAN .....Respondent

Through: Mr. N.K. Bhatnagar, Ms. Gunjan Ahuja, Mr. Arkam Khan, Advocates.

CORAM:
HON'BLE MR. JUSTICE PRATEEK JALAN

O R D E R

% 07.10.2026

1. The reliefs sought in the present petition, styled as a petition under Section 11 of the Arbitration and Conciliation Act, 1996 ["the Act"], are as follows:

> "*a) Certify the appointment of Sole Arbitral Tribunal of Shri P. K. Saxena, Former Additional District and Sessions Judge , Delhi B-155 Mount Kailash, East of Kailash, New Delhi (9910384668) is in accordance with law and grant the relief of continuing the Arbitral proceedings in their current form* ***OR*** *appoint any such other Sole Arbitrator as this Hon'ble Court may deem fit and appropriate and the extended mandate till 13.08.2026 granted by the Hon'ble Delhi High Court vide Order dated 14.08.2025 shall continue to operate;*
> *b) The proceedings shall start from were* [sic.] *it is pending if the new arbitrator appointed or certified the re appointed of sh. P.K. Saxena Sole Arbitrator.*
> *c) Award the costs of this petition as well as the lega1 expenses to the Petitioner; and Pass such other and further order(s) as this*

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> *Hon'ble Court may deem fit and proper in the facts and circumstances of the present case.*"

2. I have heard Mr. R.C. Tiwari, learned counsel for the petitioner, and Mr. N.K. Bhatnagar, learned counsel for the respondent.

3. The parties entered into an agreement dated 14.01.2015, under which the petitioner was contracted to provide taxi services to the respondent. The agreement was renewed from time to time and contained an arbitration clause, which reads as follows:

> "*22. In case of dispute of any kind, the firm shall abide by the decision of the Competent Authority, Kendriya Vidyalaya Sangathan. In case the dispute is required to be referred to Arbitration, it shall be referred to sole arbitrator under Arbitration and Conciliation Act 1996. The place of settlement of dispute shall be Delhi. In the case of settlement of dispute is in the court it will be in the jurisdiction of courts at Delhi.*"

4. The following facts relating to the invocation of arbitration and appointment of the arbitrator, are largely undisputed:

a) The arbitration clause was invoked by a legal notice dated 01.03.2023, issued on behalf of the petitioner to the respondent and various other public authorities. The petitioner quantified its claims at Rs. 1,02,69,579/-, allegedly outstanding against its bills, and proposed the appointment of a named advocate as the sole arbitrator.

b) In response thereto, by communication dated 23.03.2023, the respondent did not object to the appointment of an arbitrator, but did not accept the arbitrator proposed by the petitioner. Instead, the respondent proposed the names of two former officers of the Delhi Higher Judicial Service and requested the petitioner to

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choose either of them as the arbitrator.

c) The petitioner, in turn, responded on 24.03.2023 by a communication entitled "*consent letter*", conveying its consent to the appointment of Mr. P.K. Saxena, former CBI Judge and former Joint Registrar of this Court, as the sole arbitrator. Mr. Saxena was one of the two arbitrators suggested by the respondent.

d) The learned Sole Arbitrator has since entered upon the reference.

e) The declaration furnished by the learned Arbitrator in terms of Section 12 of the Act has been received and does not disclose any ground of ineligibility.

5. I am informed that the present petition has been filed by way of abundant caution, in view of the minutes of the arbitral proceedings dated 30.08.2025, 29.01.2026, 18.02.2026 and 12.03.2026, in which the learned Arbitrator flagged the question of the "*unilateral appointment*" and recorded that steps would be taken in this regard, in accordance with law.

6. Learned counsel for both parties categorically state that the learned Arbitrator was appointed with the consent of the parties and that they have no objection to the said appointment.

7. In these circumstances, I am of the view that the present petition is altogether misconceived. The arbitration clause does not provide for unilateral appointment by either party. In the absence of an agreed procedure, the sole arbitrator is to be appointed by agreement between the parties. This is precisely the procedure which the parties have adopted in the present case. The name originally suggested by the petitioner, was not acceptable to the respondent, who instead proposed two alternative names. One of these suggestions was accepted by the petitioner, as

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recorded in its "*consent letter*". In these circumstances, the appointment of Mr. P.K. Saxena was made with the mutual consent of both parties, and was not a unilateral appointment. The requirement of appointment of a new arbitrator, therefore, does not arise and, is not pressed.

8. I am informed that, during the pendency of the present petition, the mandate of the learned Arbitrator, which had been extended by this Court, expired on 13.08.2026. Learned counsel for the parties are at liberty to move an appropriate application seeking further extension of the mandate.

9. The petition, alongwith any pending applications, accordingly, stand disposed of.

PRATEEK JALAN, J

OCTOBER 7, 2026
'PV'/SD/

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