



\$~49

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

+ **ARB.P. 690/2026**

THERMAX LIMITED

.....Petitioner

Through: Mr. R. Sudhinder, Mr. Ashish Mukhi
and Mr. Kanishk Pandey, Advocates.

versus

NATIONAL FERTILIZERS LTD

.....Respondent

Through: Mr. Deepak Khurana and Mr.
Abhishek Bansal, Advs., for the
Respondent

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

07.05.2026

%

1. This Petition has been filed under Section 11(6) of the Arbitration and Conciliation Act, 1996 seeking appointment of an Arbitrator to adjudicate upon the disputes which have arisen between the parties under the Contract Agreement dated 30.05.2018.

2. It is stated that under the said Agreement, the Petitioner herein was entrusted with the work of manufacture, supply and commissioning including pre-commissioning and handing over of Gas Turbo Generator cum Heat Recovery Steam Generator at National Fertilizers Ltd., Bhatinda. It is stated that disputes arose between the parties regarding the amount that has been deducted as per Clause 31.0 of the General Conditions of Contract titled 'Price Reduction' from the amounts due and payable to the Petitioner. It is stated that 40 of the General Conditions of Contract forming part of the



Tender/Agreement contains an Arbitration Clause which provides that disputes arising between the parties under the Agreement shall be decided by means of Arbitration. It is stated by the learned Counsel for the Petitioner that the Agreement dated 30.05.2018 states that the courts at Delhi would have territorial jurisdiction. It is further stated by the learned Counsel for the Petitioner that since part of the cause of action has arisen in Delhi, this Court will have jurisdiction to entertain the present Petition. He, therefore, stated that in the absence of any contra-indication in the Agreement that the seat of Arbitration shall be any other place other than Delhi, this Court has the jurisdiction to entertain the present Petition.

3. It is stated that Notice invoking arbitration under Section 21 of the Arbitration Act was issued by the Petitioner on 04.12.2025 proposing the name of Hon'ble Mr. Justice (Retd.) Kurien Joseph, Former Judge, Supreme Court of India, to be appointed as sole arbitrator to adjudicate the disputes that have arisen between the parties. It is stated that the Respondent *vide* its letter dated 08.01.2026 replied to the Notice under Section 21, stating that the disputes, as raised by the Petitioner, are not arbitrable. The Petitioner has, thereafter, approached this Court by filing the present Petition.

4. Notice in the present Petition was issued on 17.04.2026.

5. In view of the fact that disputes have arisen between the parties and there is an arbitration clause in the Agreement, this Court is inclined to appoint an Arbitrator to adjudicate upon the disputes between the parties.

6. Accordingly, Ms. V. Mohana, Senior Advocate (Mob. No: 9868110575) is appointed as the Sole Arbitrator to adjudicate upon the disputes between the parties.

7. The arbitration would take place under the aegis of the Delhi



International Arbitration Centre (DIAC) and would abide by its rules and regulations. The learned Arbitrator shall be entitled to fees as per the Schedule of Fees maintained by the DIAC.

8. The learned Arbitrator is also requested to file the requisite disclosure under Section 12(2) of the Arbitration & Conciliation Act within two weeks of entering the reference.

9. 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.

10. Needless to say, nothing in this order shall be construed as an expression on the merits.

11. The present petition stands disposed of in the above terms along with pending application(s), if any.

SUBRAMONIUM PRASAD, J

MAY 07, 2026

Rahul