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

\# **CNR No. DLHC010331942026**

\+ ARB.P. 1227/2026

M/S. WIRETEL SOLUTION PVT. LTD. .....Petitioner

Through: Mr. Ravikesh K. Sinha & Mr. Aashish Gupta, Advocates. [M: 9350806823]

versus

M/S. ANNU INFRA CONSTRUCT INDIA PVT. LTD.THROUGH MANAGING DIRECTOR .....Respondent

Through: Mr. Deepak Dahiya, Advocate.

CORAM:
HON'BLE MR. JUSTICE PRATEEK JALAN

O R D E R

% 27.10.2026

1. By way of the present petition under Section 11 of the Arbitration and Conciliation Act, 1996 [hereinafter, "the Act"], the petitioner seeks the appointment of a sole arbitrator to adjudicate the disputes arising between the parties out of the Work Order dated 15.05.2015 [hereinafter, "the Work Order"].

2. I have heard Mr. Ravikesh K. Sinha, learned counsel for the petitioner, and Mr. Deepak Dahiya, learned counsel for the respondent.

3. The Work Order pertains to the execution of work relating to the laying, installation, testing and commissioning of Optical Fibre Cable

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["OFC"], PLB Duct and accessories for the Defence Network. Clause 23 of the Work Order provides for the resolution of disputes through arbitration by a sole arbitrator to be appointed by the respondent. It further stipulates that the venue of arbitration shall be New Delhi and that the Courts at New Delhi shall have exclusive jurisdiction.

4. Disputes having arisen between the parties, the petitioner invoked arbitration *vide* notice dated 30.10.2019, pursuant to which the respondent appointed an arbitrator. The arbitral proceedings culminated in an award dated 30.09.2022, which was subsequently set aside by this Court *vide* order dated 05.05.2026 passed in O.M.P.(COMM) 40/2023, on the ground that the appointment of the arbitrator was contrary to Section 12(5) of the Act. Consequently, the petitioner has approached this Court seeking a fresh appointment of a sole arbitrator. Mr. Dahiya states that the respondent has no objection to such appointment.

5. Although Clause 23 of the Work Order provides for the appointment of a sole arbitrator by the respondent, it is accepted that such unilateral appointment is impermissible in view of the settled legal position governing the appointment of arbitrators. Accordingly, the disputes are required to be referred to an independent arbitrator appointed in accordance with law.

6. In view of the above, and with the consent of learned counsel for the parties, the petition is disposed of in the following terms:

a) The disputes between the parties arising out of the Work Order are referred to arbitration.

b) Hon'ble Ms. Justice Chandrasekharan Sudha, former Judge of this Court [Tel.: 9446045653], is appointed as the sole arbitrator

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to adjudicate the disputes arising between the parties out of the Work Order.

c) The arbitration proceedings shall be conducted in accordance with the Rules of the Delhi International Arbitration Centre ["DIAC"], including the provisions governing the remuneration of the learned Arbitrator.

d) The learned Arbitrator shall furnish a declaration in terms of Section 12 of the Act before entering upon the reference.

7. Needless to state, all rights and contentions of the parties, including those relating to the arbitrability and maintainability of the claims and the merits of the disputes, are left open for consideration in accordance with law.

8. The petition, alongwith any pending applications, stands disposed of in the aforesaid terms.

PRATEEK JALAN, J

OCTOBER 27, 2026
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