



\$~49

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

+ **ARB.P. 876/2025**

M/S VISHAKHA FACILITY MANAGEMENT PVT. LTD.

.....Petitioner

Through: **Ms. Krishna Chandra Dubey,
and Ms. Uma Tarafdar, Advs.**

versus

**INSTITUTE OF HUMAN BEHAVIOUR AND ALLIED
SCIENCES**

.....Respondent

Through: **Mr. Tushar Sannu. Ms. Ankita
Bhadouriya, Ms. Akansha
Vidyarthi and Mr. Ritik Anmol,
Advs.**

CORAM:

**HON'BLE MR. JUSTICE HARISH VAIDYANATHAN
SHANKAR**

ORDER

% **17.03.2026**

1. The present Petition, filed under Section 11(6) of the **Arbitration and Conciliation Act, 1996¹**, seeks appointment of a Sole Arbitrator for the purpose of resolution of disputes that are stated to have arisen *inter se* the parties arising out of the Clause 25 as set out in Agreement dated 18.09.2008, and which reads as follows:

“25. That in the case of any dispute or difference which may, at any time during and after the contract, be arising between the parties hereto in respect of any of the matter of the agreement, such dispute or difference shall be referred to the arbitration of the Chairman, IHBAS or any other person he may appoint on his behalf. The decision of such arbitrator shall be final and binding on the parties thereto. The provisions of Arbitration and Conciliation Act, 1996 and the rules the under shall be deemed to apply to the arbitration proceedings under this clause.”

¹ Act



2. It is stated that a notice invoking arbitration under Section 21 of the Act was issued by the Petitioner on 11.08.2020, to which the Respondent responded by way of a communication dated 12.10.2020. Thereafter, the Petitioner is stated to have addressed several communications captioned as “Reminders”.

3. The present petition came to be filed on 03.05.2025 seeking the appointment of a Sole Arbitrator. Learned counsel appearing on behalf of the Petitioner submits that the claims are not barred by limitation and that the question whether the claims are time-barred or otherwise would fall for consideration before the Arbitral Tribunal. It is further submitted that the scope of examination by this Court in proceedings under Section 11 of the Act is extremely limited and that the matter ought to be referred to arbitration.

4. **Per contra**, learned counsel appearing on behalf of the Respondent contends that the present petition is not maintainable. It is submitted that although the notice invoking arbitration was issued as far back as in the year 2020, no effective steps were taken thereafter for commencement of arbitral proceedings, and the present petition has been filed after an inordinate delay of nearly five years. It is, therefore, contended that the petition is misconceived and liable to be dismissed at the outset.

5. This Court has heard the parties and also had the opportunity to peruse the paper-book with their able assistance.

6. From the record, it is apparent that the notice invoking arbitration was issued on 11.08.2020. Thereafter, no substantive steps appear to have been taken by the Petitioner for seeking the appointment of an Arbitrator within a reasonable period of time. The



subsequent communications described as “reminders” cannot operate to extend or revive the period of limitation.

7. Since the Act does not prescribe any period for preferring a Section 11 petition, recourse may be had to Article 137 of the Limitation Act, 1963 which prescribes a period of three years and which will be reckoned from the date when the right to so apply accrues. In the present case, the notice invoking arbitration was issued on 11.08.2020; however, the Petitioner failed to approach this Court within the prescribed period of limitation. Consequently, the present petition, having been instituted beyond the period of three years from the accrual of the cause of action, is *ex facie* barred by limitation.

8. Even if the benefit of the extension of limitation granted by the Hon’ble Supreme Court during the period of the COVID-19 pandemic in **Suo Moto Writ (Civil) No. 3 of 2020** titled ***In Re: Cognizance for Extension of Limitation*** is taken into account, the present petition would still fall beyond the prescribed period of limitation.

9. In view of the aforesaid, this Court is of the considered view that the present petition is barred by limitation and is, accordingly, dismissed.

HARISH VAIDYANATHAN SHANKAR, J
MARCH 17, 2026/JYH