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

% ***Date of Decision: 05th October, 2026***

\# **CNR No. DLHC010474962026**

\+ ARB.P. 1778/2026 & I.A. 27345-27346/2026

M/S JRA INFRASTRUCTURE LIMITED .....Petitioner

Through: Mr. J Rajesh, Mr. Dhrupad Vaghani, Ms. Gayatri Mohite, Mr. Yashwardhan Aggarwal, Mr. Ali Abbas Masood, Advocates.

versus

NATIONAL HIGHWAYS AND INFRASTRUCTURE DEVELOPMENT CORPORATION LIMITED & ANR.

.....Respondents

Through: Mr. Vaibhav Kalra, Ms. Neha Bhatnagar, Advocates.

CORAM:
HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T *(oral)*

1. The present petition has been filed under Section 11(6) of *Arbitration and Conciliation Act, 1996* (hereinafter referred to as '*the Act*') read with Section 151 CPC whereby petitioner seeks appointment of Sole Arbitrator for adjudication of disputes between the parties.

2. There is no denying the fact that on one earlier occasion, a petition of similar nature had been filed which was registered as ARB.P. 1298/2025. It was disposed of by this Court on 28.10.2025 and a Sole Arbitrator was appointed with the direction that the Arbitration would be held under the *aegis* of *Delhi International Arbitration Centre*, New Delhi (DIAC).

3. Learned counsel for petitioner submits that at the time of such appointment of sole arbitrator, the proceedings with respect to *Corporate Insolvency Resolution Process* (CIRP) had already commenced and a *Resolution Professional* had already assumed the charge of the affairs of the petitioner

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company and that such previous petition came to be filed on the basis of authorisation given by *Board of Directors*, which was lying suspended. It is submitted that when the abovesaid factual position was brought to the notice of the learned Sole Arbitrator, it came to the opinion that such appointment was *non est* and that since the learned Sole Arbitrator held that the Arbitral Tribunal *de-jure* unable to perform the functions, the mandate was, resultantly, terminated under Section 14 of the Act. The abovesaid order dated 08.06.2026 passed by learned Sole Arbitrator also records as under:-

> *"8. Counsels for the R. P. (Claimant), and the Respondent are in agreement that the appointment of the Arbitrator is non-est. In view of the above, since the Arbitrator is de-jure unable to perform the functions, the mandate of the Arbitrator stands terminated under Section 14 of the Arbitration and Conciliation Act, 1996".*

4. Learned counsel for respondent submits that the present application is not sustainable by invoking Section 11 (6) of the Act. He submits that since the termination is under Section 14 of the Act, the petitioner should have, rather, filed an application under Section 15 of the Act.

5. During course of the arguments, learned counsel for petitioner, while acknowledging the same, states that he would have *no objection* if the present petition is taken as one filed under Section 15 of the Act and a substituted Arbitrator is, accordingly, appointed.

6. In view of the above and keeping in mind the facts placed on record, Registry is directed to re-register the present petition, accordingly.

7. With the consent of the parties, the petition, which has now been treated as the one filed under Section 15 of the Act, stands disposed of with the direction that Mr. R K Gauba, former Judge of this Court is, hereby, appointed as *substitute Arbitrator* in place of the previously appointed Arbitrator to adjudicate the disputes in question. The other terms and conditions would remain same as

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reflected in order dated 28.10.2025 when the sole Arbitrator was appointed by this Court in ARB.P. 1298/2025.

(MANOJ JAIN)
JUDGE

OCTOBER 5, 2026/*sw/sk*

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