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

% ***Date of Decision: 12th October, 2026***

\# **CNR No. DLHC010491482026**

\+ ARB.P. 1836/2026

KCC BUILDCON PRIVATE LIMITED .....Petitioner

Through: Mr. Pranshu Paul, Mr. Sanjeev Kumar and Mr. Suraj Shaw, Advocates

versus

MINISTRY OF ROAD TRANSPORTAND HIGHWAYS GOVERNMENT OF INDIA

.....Respondent

Through: Mr. Abhay Gupta, Advocate for R-1

CORAM:
HON'BLE MR. JUSTICE MANOJ JAIN

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

I.A. 28269/2026 (for exemption)

Exemption allowed, subject to all just exceptions.

ARB.P. 1836/2026

1. Present petition has been filed under Section 11(6) of *Arbitration & Conciliation Act, 1996* (hereinafter referred to as '*the Act*') and seeks appointment of Presiding Arbitrator in relation to Engineering Procurement Construction Agreement (in short *EPC Agreement*) dated 20.05.2020.

2. Certain disputes have arisen between the parties, concerning EPC Agreement.

3. Petitioner herein had issued notice invoking arbitration.

4. Such notice is dated 18.07.2026 and in terms of arbitration clause of

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EPC Agreement, petitioner also nominated Mr. S.L. Jadhav, Secretary (Retired), PWD, Maharashtra as its Nominee Arbitrator.

5. Respondent No. 1, admittedly, received the abovesaid communication and has also nominated its Nominee Arbitrator Mr. Mohd. Suleman, IAS (Retired).

6. Both the nominated Arbitrators, though, entered into mutual consultation for appointing a Presiding Arbitrator, there was no consensus and it is in the aforesaid backdrop that the present petition has been filed seeking appointment of a Presiding Arbitrator.

7. The claim in the question is in the vicinity of Rs. 144 crores approximately.

8. Learned counsel for respondent No. 1, who appears on advance notice, has no objection if this Court appoints a Presiding Arbitrator. Both the sides have also no objection if the arbitration is carried out under the aegis of *Delhi International Arbitration Centre*, *High Court of Delhi* and a former Judge of Supreme Court of India is appointed Presiding Arbitrator..

9. In view of the above and with the consent of the parties, the petition stands disposed of with the following directions:-

i) The disputes between the parties, concerning said *EPC Agreement* are referred to arbitration.

ii) Ms. Justice Hima Kohli, Former Judge, Supreme Court of India is appointed Presiding Arbitrator to adjudicate the same.

iii) The nominated arbitrators, as nominated by the parties, shall remain the same.

iv) The arbitration will be held under the *aegis* of *Delhi International Arbitration Centre*, New Delhi (DIAC) and would be

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governed by the Rules of DIAC. The fee of the Arbitrator shall be fixed as per fee schedule under DIAC (Administrative Cost and Arbitrator's fees) Rules 2018.

v) Declaration in terms of Section 12 of *the Act* be furnished prior to entering into the reference.

vi) All the rights and contentions of the parties are left open for due adjudication by the Arbitral Tribunal.

vii) The parties shall approach DIAC within two weeks from today.

(MANOJ JAIN)
JUDGE

OCTOBER 12, 2026/*dr/sy*

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