$~76

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

\# **CNR No. DLHC010514792026**

\+ O.M.P. (T) (COMM.) 112/2026, I.A. 29600/2026

ORIENTAL FOUNDRY PRIVATE LIMITED .....Petitioner

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

versus

UNION OF INDIA .....Respondent

Through: Mr. Shashank Dixit, CGSC with Mr. Kunal Raj, Advocate.

CORAM:
HON'BLE MR. JUSTICE OM PRAKASH SHUKLA

ORDER (ORAL)

% 28.10.2026

1. The present petition has been filed under Section 15(2) read with Section 15(1)(a) and 11(6) of the Arbitration and Conciliation Act, 1996[1] seeking appointment of a substitute Arbitrator in place of Hon'ble Mr. Justice S. Ravindra Bhat (Retd.), Former Judge, Supreme Court of India, who was appointed by this Court as a learned Sole Arbitrator to adjudicate the disputes between the parties.

2. The disputes between the parties arise out of Contract No. 2022/RS(I)/954/151/1884 dated 10.02.2022 executed between the Petitioner and the Respondent for the manufacture and supply of wagons.

[1] "Act" hereinafter

Signature Not Verified
Signed By:PRAGYA ARORA
Signing Date:04.11.2026 18:55:34

3. *Vide* order dated 21.01.2026 passed in ARB.P. 150/2026, this Court appointed Hon'ble Mr. Justice (Retd.) S. Ravindra Bhat as the learned Sole Arbitrator, the arbitration to be conducted under the aegis of DIAC. By the same order, OMP(I)(COMM) 413/2025 was directed to be treated as application under Section 17 of the Act before the learned Arbitral Tribunal, and the interim order granted was directed to continue till the said application is considered by the learned Arbitral Tribunal.

4. Learned Counsel for the Petitioner submits that in the arbitral proceedings, the pleadings stand completed and that the entire arbitral fee stands deposited by the parties. It is submitted that the proceedings were at the stage of framing of points for determination and hearing of the application under Section 17 of the Act when the learned Sole Arbitrator *vide* letter dated 21.09.2026 as addressed to the parties withdrew his consent to act as the Sole Arbitrator.

5. Issue notice. Mr. Kunal Raj, learned Counsel accepts notice on behalf of the Respondent.

6. Learned Counsel for the Respondent submits that he seeks sometime to obtain instructions.

7. There are no instructions required in the matter as the learned Sole Arbitrator was already appointed and as the Sole Arbitrator recused from the arbitration proceedings, this Court finds no impediment in appointing the substitute Arbitrator.

Signature Not Verified
Signed By:PRAGYA ARORA
Signing Date:04.11.2026 18:55:34

8. Accordingly, Hon'ble Mr. Justice, Ravi Shankar Jha, (Retd.), Mob No. 9425153362 is appointed as a learned Sole Arbitrator to adjudicate the disputes arisen between the parties. The learned Sole Arbitrator shall enter upon the reference within two weeks from today.

9. The learned Sole Arbitrator will proceed to the arbitration proceedings subject to furnishing requisite disclosures as required under Section 12(2) of the Act within two weeks of entering reference.

10. The arbitration shall be carried under the rules and aegis of Delhi International Arbitration Centre ("DIAC"). The learned Arbitrator shall be entitled to fees as per the Schedule of Fees maintained by the DIAC.

11. It shall be open to the parties to raise all pleas before the learned Sole Arbitrator who shall decide the same in accordance with law.

12. It is clarified that the observations made herein are only for the purpose of deciding the present petition. The learned Sole Arbitrator shall adjudicate the disputes independently and on their own merits, uninfluenced by any observations contained in the present order.

13. The Registry is directed to send a receipt of this order to Mr. Ravi Shankar Jha, learned Arbitrator through all permissible modes including email.

14. Needless to state that the interim order passed in

Signature Not Verified
Signed By:PRAGYA ARORA
Signing Date:04.11.2026 18:55:34

O.M.P.(I)(COMM.) 413/2025, as continued *vide* order dated 21.01.2026 passed along with Arb. P. 150/2026, shall continue to operate in terms thereof.

15. Accordingly, the present petition is disposed of in the above terms.

16. Pending application(s), if any, also stand disposed of.

OM PRAKASH SHUKLA, J

OCTOBER 28, 2026/pa

Signature Not Verified
Signed By:PRAGYA ARORA
Signing Date:04.11.2026 18:55:34