



2026:DHC:1791



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

+ W.P.(C) 12089/2024 and CM APPL. 50297/2024, CM APPL. 50298/2024, CM APPL. 50299/2024

Date of Decision: 25.02.2026

IN THE MATTER OF:

UNION OF INDIA THR ITS COMMANDER WORKS ENGINEER
HILLSPetitioner

Through: Dr.B.Ramaswamy, CGSC.

versus

MS AMIT BROTHERS & ANR.Respondents

Through: Mr. Counsel for R-1 (*appearance not given*)**CORAM:****HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV****J U D G E M E N T****PURUSHAINDRA KUMAR KAURAV, J. (ORAL)**

The grievance raised by the petitioner seems to have arisen out of non-consideration of the mandate of Clause 70 and Clause 72 of General Condition of Contract IAFW-2249.

2. The petitioner submits that without consideration of those clauses, the

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Micro, Small and Medium Enterprises (“MSME”) Council District Shahdara, Delhi has referred the matter to Delhi International Arbitration Centre (“DIAC”).

3. The Division Bench of this Court in *Corrtech International Pvt. Ltd. vs. Delhi International Arbitration Centre and Others*¹, has observed that that an Arbitral Tribunal is well within its power to adjudicate upon its own jurisdiction. Paragraph no. 15 of the said decision is extracted as under:

“15. It is also clear that under section 16 of the Act, the Arbitral Tribunal is empowered to consider issues of its own jurisdiction and other legal objections that the appellant possibly may have. The framework envisaged under the Act confers independent power upon the Tribunal to independently assess the merits of the claims and legal issues too. Thus, the grievances of the appellant can suitably be redressed within the provisions of the Act, which is a complete code in itself. To a specific query put by this Court on approaching the Arbitral Tribunal under section 16 of the Act, the learned senior counsel for the appellant submitted that once the application under section 16 is dismissed, no appeal is provided in the statute and the challenge to section 16 application being dismissed must await the passing of a final award to file an appeal under section 34 of the Act. It must be noted that section 16 of the Act mandates that the issue of jurisdiction must be dealt first by the Arbitral Tribunal, before the Court examines the same under section 34 of the Act. Therefore, the appellant is not left remediless as the statute provides him a chance of appeal. Under section 34 of the Act, the aggrieved party has an avenue for adjudicating its grievances against the award including any orders that might have been passed by the Arbitral Tribunal acting under section 16 of the Act. This Court is fortified in its view taken by the Supreme Court in Deep Industries Ltd. v. Oil and Natural Gas Corporation Ltd., (2020) 15 SCC 706. The same is extracted hereunder: —

“22. One other feature of this case is of some importance. As stated hereinabove, on 9-5-2018, a Section 16 application had been dismissed by the learned arbitrator in which substantially the same contention which found favour with the High Court was taken up. The drill of Section 16 of the Act is that where a Section 16 application is dismissed, no appeal is provided and the challenge

¹ 2024 SCC OnLine Del 7029



to the Section 16 application being dismissed must await the passing of a final award at which stage it may be raised under Section 34.”

4. In view of the aforesaid legal position, the Court finds that there is no substance in the instant writ petition. Even otherwise, jurisdiction under Article 226 of the Constitution of India to interdict the arbitration proceedings is to be exercised sparingly and only in exceptional circumstances.

5. The aforesaid position is settled by the Supreme Court in ***Bhaven Construction Vs Executive Engineer, Sardar Sarovar Narmada Nigam Ltd. & Anr.***,² wherein it has been held that the Arbitration and Conciliation Act, 1996 is a self-contained and comprehensive code providing for a complete mechanism for redressal of grievances arising out of arbitral proceedings. It has further been held that the High Courts, in exercise of their jurisdiction under Articles 226 and 227 of the Constitution of India, ought not to interfere with the arbitral process except in rare and exceptional circumstances, such as where there is a patent lack of jurisdiction, manifest bad faith, or where no efficacious alternative remedy is available. The Supreme Court has emphasized the principle of minimal judicial interference, observing that all objections, including those relating to jurisdiction, are required to be raised before the Arbitral Tribunal and thereafter in accordance with the statutory remedies provided under the Act.

6. In view of the aforesaid, this Court is of the considered view that no ground is made out warranting interference in the present matter, and it does not find it appropriate to interdict the arbitral proceedings.

² (2022) 1 SCC 75



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7. Accordingly, the petition, along with pending application(s), if any, stands dismissed.

PURUSHAINdra KUMAR KAURAV, J

FEBRUARY 25, 2026

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