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

\# **CNR No. DLHC010591512023**

\+ **W.P.(C) 664/2024**

G. GUBENDIRAN .....Petitioner

Through: Ms. A. Sumathi, Adv.

versus

CEMENT CORPORATION OF INDIA LTD .....Respondent

Through: Ms. Ekta Kundu, Adv.

CORAM:
HON'BLE MR. JUSTICE AMIT MAHAJAN

O R D E R

% 05.10.2026

1. By way of the present petition, the petitioner seeks the following prayers:

> *"a) Issue an appropriate writ or order by intervening in the nature of writ of Certiorari in the proceedings pending between the parties for the exceptional rarity where the petitioner is left remediless*
> *b) Issue an appropriate writ or order or direction in the nature of mandamus or any other appropriate writ, directing the Respondent to reconcile and render a quietus to the long standing proceeding which is at a dead end despite the proper initiation ;*
> *c) Issue an appropriate writ or order or direction in the nature of mandamus or any other appropriate writ, directing the Respondent to pay the admitted dues amounting to Rs. 5,95,000/- along with interest @ 12 % p.a. from 03.10.2003 which is payable to the Petitioner;*
> *d) Issue an appropriate writ or order or direction in the nature of mandamus or any other appropriate writ, directing the Respondent to refund the Security Deposit of Rs. 2,50,000/- along with interest @ 12% p.a.*
> *e) Issue an appropriate writ or order or direction in the nature of mandamus or any other appropriate writ, directing the Respondent to refund the Earnest Money Deposit of Rs. 40,000/- along with 12% interest @ 12% p.a.*
> *f) Issue an appropriate writ or order or direction in the nature of mandamus or any other appropriate writ, directing the Respondent*

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to refund the wrongfully encashed Bank Guarantee of Rs. 5,00,000/- along with 12% interest @ 12% p.a.

g) Issue an appropriate writ or order or direction in the nature of mandamus or any other appropriate writ, directing the Respondent to release the Bank Guarantee bearing No:21/91 of Rs. 5,00,000/- with immediate effect;

h) Issue an appropriate writ or order or direction in the nature of mandamus or any other appropriate writ, directing the Respondent to clear the final bill amount Rs.1,92,001.94 as on 28-10-99 raised by the Claimant at revised rates along with 12% interest @ 12% p.a.

i) Award costs of the present Petition; and compensation towards the monetary loss and mental agony in pursuing the legal claims by the petitioner from the respondent and

j) Pass such further or other orders which this Hon'ble Court may deem fit and proper in the facts and circumstances of the case in the interest of justice."

2. Undisputedly, an arbitrator had been appointed on 28.01.2005 to adjudicate the disputes between the parties, however, the dispute is yet to be finally decided and the concerned arbitrator has not been traceable.

3. The existence of an arbitration agreement between the parties is not in dispute. In such circumstances, considering that the dispute between the parties is yet to be decided, a fresh appointment of an Arbitrator ought to be made to adjudicate the dispute between the parties.

4. The learned counsel for the petitioner requested that an Arbitrator be appointed afresh by this Court to finally adjudicate the dispute between the parties.

5. The learned counsel for the respondent, on instructions, states that the respondent has no objection if an Arbitrator is appointed by this Court to adjudicate the case of the petitioner.

6. The parties are in agreement that an Arbitrator be appointed afresh by this Court to adjudicate the disputes between the parties.

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7. Accordingly, this Court appoints Nitya Sharma, Advocate (Mob. No. 9899009555) to adjudicate the disputes between the parties.

8. The arbitration shall take place under the *aegis* of the DIAC and would abide by its rules and regulations. The learned Arbitrator shall be entitled to fees as per the Schedule of Fees maintained by the DIAC.

9. The learned Arbitrator is requested to furnish the requisite disclosure under Section 12(2) of the Act within 1 week of entering upon the reference.

10. The Registry is directed to transmit a copy of this order to the learned Arbitrator through all permissible modes, including through email.

11. All rights and contentions of the parties in relation to the claims/counter-claims and also on maintainability are kept open, to be decided by the learned Arbitrator on their merits, in accordance with law.

12. Needless to say, nothing contained in this Order shall be construed as an expression of opinion of this Court on the merits of the disputes between the parties.

13. Accordingly, the present Petition stands disposed of in the above terms.

14. List on 29.10.2026, before the learned Arbitrator.

AMIT MAHAJAN, J

OCTOBER 5, 2026
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