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

+ ARB.P. 1429/2025

M/S ASHOK KUMAR CONTRACTORSPetitioner

Through: Mr. Harry Chhibber, Mr. Sanchit Gupta, Mr. Rajat Kashyap, Mr. Yati Dharna, Advocates (M:9205437671)

versus

INSTITUTE OF HUMAN BEHAVIOUR AND ALLIED SCIENCES

.....Respondent

Through: Mr. Tushar Sannu, SC with Ms. Ankita Bhadouriya, Ms. Ishika Jain, Advocates (M:9911991166)

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

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29.01.2026

1. The present is a petition under Section 11(6) of the Arbitration and Conciliation Act, 1996 ("Arbitration Act"), seeking appointment of a Sole Arbitrator for adjudication of disputes between the parties, arising out of the construction contract dated 24th November, 2020.
2. In reply, the respondent, i.e., Institute of Human Behaviour and Allied Sciences, has taken a preliminary objection that the petitioner has not invoked the arbitration as per the procedure stipulated under Clause 25 of the construction contract, as entered between the parties.
3. Clause 25 of the aforesaid construction contract, stipulates that firstly, reference/letter towards the dispute is to be addressed to the Superintending Engineer, and if dispute still subsists, then the same must be appealed before the Chief Engineer. Upon the failure of the Chief Engineer to give its



decision within 30 days of the said appeal or in case any party is aggrieved by decision of Chief Engineer, said party must appeal/address the same before the Dispute Redressal Committee (“DRC”), with details of entire dispute.

4. Subsequent to the aforesaid, if the DRC fails to give its decision within 90 days from receipt of said appeal or in case any party is aggrieved by such decision, then the said party may give notice for appointment of an Arbitrator to the Chief Engineer, in the prescribed proforma.

5. In view of the aforesaid, learned counsel for the petitioner submits that the petitioner shall duly follow the procedure, as stipulated in Clause 25 of the construction contract between the parties.

6. He submits that the petitioner, thus, seeks to withdraw the present petition, with liberty to approach this Court at appropriate stage, if need be.

7. Needless to state that rights and contentions of the parties are kept open.

8. Accordingly, considering the submissions made before this Court, the present petition is dismissed as withdrawn, with liberty as aforesaid.

MINI PUSHKARNA, J

JANUARY 29, 2026/au