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

+ **ARB.P. 1838/2025**

M/S BSC PROJECTS PRIVATE LIMITEDPetitioner

Through: Mr. Rudraksh Gupta, Adv.

versus

M/S GAIL INDIA LIMITEDRespondent

Through: Mr. Abinash Barik, Adv.

CORAM:

HON'BLE MR. JUSTICE AVNEESH JHINGAN

ORDER

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16.01.2026

1. This petition is filed under Section 11(6) of the Arbitration and Conciliation Act, 1996 (for short 'the Act') seeking appointment of an arbitrator.
2. The parties entered into an agreement on 14.08.2019 for construction of an office building and miscellaneous facilities at Ludhiana and the terms and conditions agreed between the parties provided for resolution of disputes through arbitration.
3. Learned counsel for the parties are at *ad idem* that the conciliation proceedings and thereafter the mediation proceedings have yielded no fruit.
4. Notice under Section 21 of the Act dated 16.05.2025 was issued but the needful was not done, hence the present petition.
5. Learned counsel for the respondent submits that notice under Section 21 of the Act dated 16.05.2025 was pre-mature as it was filed before an attempt was made for reconciliation. The contention is that the communication dated 29.08.2025 received on 02.09.2025 should be treated



as initiation of the arbitration proceedings and the final bills were not submitted as per the procedure laid down.

6. At the stage of Section 11(6), this court has to prima facie satisfy itself of an existence of a valid arbitration clause to which there is no dispute raised. The contentions raised herein can be raised before the arbitrator.

7. Accordingly, the petition is allowed by appointing Mr. Raj Pal Singh Teji, Additional District Judge (Retd.) (Mobile No.9910384638) with the consent of the parties, as the sole arbitrator for adjudication of the disputes which have arisen between the parties.

8. The fees of the learned Arbitrator will be governed by Schedule IV of the Act. Before entering upon reference, the learned Arbitrator will comply with Section 12 of the Act.

9. It is made clear that since this Court has not expressed any opinion on the merits of the rival claims of the parties, it will be open for the parties to file their respective claims/counter claims before the learned Arbitrator which will be considered in accordance with law.

10. A copy of this order be forwarded to the learned Arbitrator for information.

AVNEESH JHINGAN, J

JANUARY 16, 2026
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