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

+ **W.P.(C) 17520/2025**

NEWTON ENGINEERING AND CHEMICALS LIMITED

.....Petitioner

Through: Mr. Samarpit Chauhan, Mr. Surya
Vardhan Sharma, Mr. Tarun Yadav
Advocates.

versus

INDIAN OIL CORPORATION LTD.

.....Respondent

Through:

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

ORDER

% **07.01.2026**

1. The dispute essentially has arisen out of the contract dated 05.10.2011 between the petitioner and the respondent. The case of the petitioner is that it has entered into a contract with the respondent for the 'Mechanical and Piping Works for FCCU and PRU Revamp' at the respondent's Mathura refinery. Certain disputes in relation to the contract are stated to have arisen between the parties, which the petitioner has sought to be referred to arbitration, as per Clause 9.0.1.0 of the governing GCC. The respondent is thereafter, stated to have informed the petitioner that, under Clause 9.0.2.0 of the GCC, reference of claims to arbitration may only be made after its General Manager adjudicates that the claim is 'notified' for the purpose of arbitration. The petitioner asserts that the claim was filed before the General Manager on 03.10.2019. There was a change in the office of the General Manager thereafter, and the aforesaid proceedings have yet to re-commence



before the current General Manager, despite multiple follow-up mails and legal notices by the petitioner.

2. The petitioner seeks directions to the respondent to adjudicate upon the aforesaid claim of the petitioner in a time bound manner.

3. The Supreme Court, in its decision in ***Radhakrishna Agarwal and Ors. v. State of Bihar and Ors.***,¹ has held that rights/obligations arising, purely, out of a contract between the parties cannot be enforced in the writ jurisdiction of the Court. The direction sought by the petitioner is for enforcement of the respondent's alleged duty under Clause 9.0.2.0 of the GCC.

4. Even otherwise, the power under Article 226 of the Constitution is discretionary. There does not seem to be enough promptness on the part of the petitioner to get enforced, the respondent's obligations, with due expedition. *Prima facie*, the last effective communication in this regard seems to have been made in the year 2019. Except some purported reminder notices, no concrete steps have been taken in this regard by the petitioner. These factors are relevant considerations for invoking the jurisdiction under Article 226 of the Constitution.

5. Under these circumstances, the Court finds that the instant writ petition may not be maintainable.

6. In view of the aforesaid and granting liberty to the petitioner to take appropriate recourse in accordance with law, the instant petition stands disposed of.

PURUSHAINDR KUMAR KAURAV, J

JANUARY 7, 2026/Nc/amg

¹ (1977) 3 SCC 457