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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **ARB.P. 246/2026, I.A. 3326/2026, I.A. 3327/2026 & I.A. 3328/2026**
SHRISTI INFRASTRUCTURE DEVELOPMENT CORPORATION
LTDPetitioner
Through: Ms. Megha Mukherjee, Mr. Akshay
R., Mr. Suyash Darade, Advs.

versus

M/S IRCON INTERNATIONAL LTDRespondent
Through: Mr. Rajat Manchanda, Ms. Megha
Gaur and Ms. Sakshi Sharma, Advs.

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+ **O.M.P.(MISC.)(COMM.) 144/2026, I.A. 3299/2026, I.A. 3300/2026**
& I.A. 3301/2026

SHRISTI INFRASTRUCTURE DEVELOPMENT CORPORATION
LTDPetitioner
Through: Ms. Megha Mukherjee, Mr. Akshay
R., Mr. Suyash Darade, Advs.

versus

M/S IRCON INTERNATIONAL LIMITEDRespondent
Through: Mr. Rajat Manchanda, Ms. Megha
Gaur and Ms. Sakshi Sharma, Advs.

CORAM:
HON'BLE MR. JUSTICE AVNEESH JHINGAN

ORDER
06.04.2026

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ARB.P. 246/2026

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 brief facts are that the petitioner was a successful bidder in a tender and a clause therein provided for dispute resolution through arbitration. The dispute between the parties was referred to a sole arbitrator by this court while allowing the petition under Section 11(6) of the Act. The arbitral proceedings commenced on 23.08.2022. The mandate of the tribunal came to end on 21.02.2024. By consent of the parties, vide order dated 08.11.2023, the mandate of the tribunal was extended by six months which expired on 20.08.2024. The mandate was further extended by this court for a period of six months vide order dated 27.08.2024. On 20.08.2024, the tribunal referred the parties to mediation but there was no settlement and the tribunal was informed vide e-mail dated 20.05.2025. The matter was fixed for final arguments, however, vide order dated 18.08.2025, the arbitrator recused from the proceedings and hence the present petition.

3. Learned counsel for the petitioner contends that a request was made to the arbitrator to reconsider the recusal stating that a petition under Section 29(4) of the Act is pending for consideration but vide e-mail dated 05.04.2026, the arbitrator after seven months of the recusal and due to professional engagements expressed her inability to re-consider the recusal.

4. The photocopy of the e-mail produced by the counsel is taken on record.

5. At this stage, the learned counsel for the petitioner contends that the petition under Section 11 of the Act be considered under Section 14 of the Act.

6. Learned counsel for the respondent has no objection.

7. Considering that the arbitrator has recused and substitution is needed



to complete the proceedings, the petition is allowed by appointing Mr. Permod Kohli, former Chief Justice of the Sikkim High Court (Mobile Nos.9622141111 and 9419202142), 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.

O.M.P.(MISC.)(COMM.) 144/2026

11. No further orders are called for in view of the substitution of the arbitrator.

12. The petition is disposed of as infructuous.

AVNEESH JHINGAN, J

APRIL 6, 2026/Pa