



2025:DHC:1311



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

% ***Date of Decision: 24.02.2025***

+ W.P.(C) 2086/2025 and CM APPL.9791/2025
NHPC LIMITED

.....Petitioner

Through: Mr. Nakul Sachdeva, Mr. Sagar Arora, Mr. Karundeep Singh and Mr. Abhinandam Sharma, Advs.

versus

CONSTRUCTION INDUSTRY ARBITRATION COUNCIL &
ANR.

.....Respondents

Through: Ms. Anshula Grover, Mr. Mayan Prasad and Mr. Lenithang, Advs. for R-2.

**CORAM:
HON'BLE MR. JUSTICE SACHIN DATTA**

SACHIN DATTA, J. (Oral)

1. The present petition has been filed by the petitioner assailing a letter / order dated 18.12.2024, passed by the respondent no.1. By the said letter, the respondent no.1 has purported to appoint an arbitrator for adjudication of the disputes between the petitioner and the respondent no.2, as per the rules of the respondent no.1.
2. It is submitted by the petitioner that the said reference is null and void *abinitio*, being contrary to agreed upon arbitration stipulation. Accordingly, it is prayed that the said letter / order dated 18.12.2024 be set aside.
3. After some hearing, respective counsel for the parties are in agreement that the disputes between the petitioner and the respondent no.2 be decided by way of an ad hoc arbitration, by a Sole Arbitrator. It is further



2025:DHC:1311



jointly requested by the petitioner and learned counsel for the respondent no.2, on instructions, that an independent Sole Arbitrator be appointed by this Court in these proceedings, for adjudication of all outstanding disputes between the parties arising out of or relating to the principal contract agreement dated 02.01.2014 pertaining to “Construction of Balance Civil Works of HRT by DBM, Associated Works and HM Works (Lot PB2B) of Parbati HE Projects Stage II in Lot 2, Dist: Kullu (HP)”, read with Letter of Acceptance dated / Work Order dated 27.06.2019.

4. Accordingly, as jointly prayed, Mr. Justice (Retd.) Hrishikesh Roy, Former Judge, Supreme Court of India (Mobile +91 9435040196) is appointed as the Sole Arbitrator to adjudicate the disputes between the parties.

5. It is agreed by respective counsel that the learned Sole Arbitrator shall be entitled to fee/s in accordance with IVth Schedule to the A&C Act, or as may otherwise be agreed to between the parties and the learned Sole Arbitrator.

6. It is further agreed that the petitioner as also the respondent/s shall be entitled to take preliminary objections before the learned Sole Arbitrator as regards arbitrability / jurisdiction, which shall be decided by the learned Sole Arbitrator on its own merits. The fact that the parties have acquiesced to, and jointly requested this Court for appointment of a Sole Arbitrator, shall not be construed as an admission with regard to any preliminary issue / jurisdictional objection.

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



2025:DHC:1311



8. The respondent no.2 shall be at liberty to pursue with the respondent no.1 and/ or Sole Arbitrator earlier appointed by the respondent no.1, for refund of the fees / charges paid by the respondent no.2.

9. Needless to say, nothing in this order shall be construed as an expression of this court on the merits of the respective contentions of the parties.

10. The present petition stands disposed of in the above terms.

SACHIN DATTA, J

FEBRUARY 24, 2025/cl