



2026:DHC:4236



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

Date of Decision : 13.05.2026

+ O.M.P.(I) (COMM.) 11/2026 & I.A. 12993/2026 (Delay of 5 days in filing the rejoinder)

M/S TECHNOCRATS ADVISORY SERVICES PRIVATE LIMITEDPetitioner

Through: Mr. C. Mohan Rao, Senior Advocate along with Ms. Kritika Gupta, Advocate.

versus

NATIONAL HIGHWAYS AND INFRASTRUCTURE DEVELOPMENT CORPORATION LIMITEDRespondent

Through: Mr. Avneesh Garg, Mr. Utkarsh Sharma and Mr. Harsh Pal, Advocates.

**CORAM:
HON'BLE MR. JUSTICE HARISH VAIDYANATHAN SHANKAR**

% **JUDGEMENT (ORAL)**

1. The present Petition has been instituted under Section 9 of the **Arbitration and Conciliation Act, 1996¹** by the Petitioner association comprising M/s Technocrats Advisory Services Pvt. Ltd. in association with M/s Vaishnavi Infratech Services Pvt. Ltd., seeking interim protection against the alleged arbitrary and unsustainable actions of the Respondent, **National Highways and Infrastructure Development Corporation Ltd.²**, *inter alia*, seeking the following reliefs:

¹ A&C Act

² NHIDCL



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“32. In view of the foregoing facts and circumstances, it is most respectfully prayed that this Hon’ble Court may be pleased to pass an order staying the implementation of the Impugned Order dated 02.01.2026, issued by the Respondent, pending commencement and conclusion of arbitral proceedings between the parties under Clause 9.2 of the General Conditions of Contract;

Pass such further or other orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case, to protect the Petitioner’s rights and to secure the ends of justice.”

2. The present disputes are stated to arise out of the Consultancy Agreement dated 28.12.2016 executed between the parties, which expressly provides, under Clause 9.2 of the General Conditions of Contract, for resolution of disputes through arbitration.

3. After advancing some arguments, learned counsel appearing for the parties submit that they are *ad idem* that the disputes between them be referred to arbitration by a Sole Arbitrator.

4. Since the parties have mutually consented to adjudication of their disputes by way of Arbitration and to the appointment of a Sole Arbitrator, this Court is of the view that the commencement of arbitral proceedings should not be unduly delayed.

5. Accordingly, in the peculiar facts of the present case, the requirement of initiation of Section 21 Notice and separate proceedings under Section 11 of the Act is dispensed with.

6. In view thereof, this Court is of the view that the matter may be referred to arbitration by a Sole Arbitrator for the purpose of the resolution of disputes between the parties.

7. Accordingly, this Court hereby requests **Hon’ble Mr. Justice Ravi Shankar Jha, (Retd.), former Chief Justice of Punjab and Haryana High Court (Mobile No. [REDACTED])**, to enter upon the reference and adjudicate the disputes *inter se* the parties.



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8. The learned Sole Arbitrator may proceed with the arbitration proceedings, subject to furnishing to the parties the requisite disclosures as required under Section 12(2) of the Act within a week of entering the reference.
9. The respective costs of arbitration shall be borne equally by the parties.
10. All rights and contentions of the parties are kept open, to be decided by the learned Sole Arbitrator on their merits, in accordance with law.
11. Needless to state, nothing in this order shall be construed as an expression of opinion of this Court on the merits of the controversy.
12. Accordingly, the present Petition under Section 9 of the Arbitration and Conciliation Act, 1996 shall stand treated as an Application under Section 17 of the Act to be considered by the learned Arbitrator upon entering into the reference, and the interim directions passed by this Court *vide* Order dated 12.01.2026 shall continue to operate till such time the learned Arbitrator takes up the said application. The learned Arbitrator is requested to consider the same as expeditiously as possible upon entering into the reference.
13. The parties are at liberty to raise all objections, including with respect to the jurisdiction of the learned Arbitrator, before the learned Arbitral Tribunal.
14. The Registry is directed to send a copy of this order to the learned Arbitrator through all permissible modes.
15. The present Petition, along with pending Application(s), if any, stands disposed of in the aforesaid terms.

HARISH VAIDYANATHAN SHANKAR, J.
MAY 13, 2026/tk/kr