



2026:DHC:3193



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

Date of Decision : 17.04.2026

+ O.M.P.(I) (COMM.) 162/2026 & I.A. 10432/2026 (Ex.)

NITIGYA BUILDCON PVT. LTD.Petitioner

Through: Mr. Udit Seth and Mr.
Divyanshu Singh, Advocates.

versus

DLF LIMITEDRespondent

Through: Mr. Rajiv Nayar, Senior
Advocate along with Mr. Pravin
Bahadur, Mr. Amit Agarwal,
Mr. Aditya P.N. Singh, Mr.
Eshan Banduni and Ms. Kavya
Uppal, Advocates.

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

% **JUDGEMENT (ORAL)**

HARISH VAIDYANATHAN SHANKAR, J.

1. The present Petition has been filed under Section 9 of the **Arbitration and Conciliation Act, 1996**¹ seeking the following reliefs:

- “i. Direct the Respondent to permit the Petitioner to remove and take possession of all its tools, materials, etc. detailed in para 38 of this petition
- ii. Restrain the Respondent from dealing with, disposing of, damaging, misusing or retaining the Petitioner’s materials in any manner whatsoever;

¹ Act



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- iii. Direct the parties to carry out joint measurement of Petitioner's tools, materials, etc. as mentioned in para 38 of the petition.
- iv. Pass any such other or further orders as this Hon'ble Court may deem fit and proper in the interest of justice, equity and good conscience"

2. The present disputes are stated to have arisen out of a Contract Agreement dated 25.04.2022, which contains a dispute resolution mechanism under Clause 101 thereof.

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 separate proceedings under Section 11 of the Act is dispensed with.

6. The total value of the underlying disputes is stated to be approximately Rs. 15 crores on behalf of the Petitioner, with a counterclaim of approximately Rs. 10 crores, aggregating to a total of Rs. 25 crores.

7. 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.

8. Accordingly, this Court hereby requests **Hon'ble Mr. Justice (Retd.) Siddharth Mridul, Chief Justice of Manipur High Court**



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(**Mobile No.** [REDACTED]), to enter upon the reference and adjudicate the disputes *inter se* the parties.

9. The arbitration would take place under the *aegis* of the **Delhi International Arbitration Centre**² and would abide by its rules and regulations. The learned Arbitrator shall be entitled to fees as per the Schedule of Fees maintained by the DIAC.

10. 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.

11. The respective costs of arbitration shall be borne equally by the parties.

12. 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.

13. Needless to state, nothing in this order shall be construed as an expression of opinion of this Court on the merits of the controversy.

14. Accordingly, the present Petition under Section 9 of the Act shall be treated as an Application under Section 17 of the Act, and appropriate directions may be passed by the learned Arbitrator after entering upon the reference.

15. The parties are at liberty to raise all objections, including with respect to the jurisdiction of the learned Arbitrator, before the learned Arbitral Tribunal.

16. The Registry is directed to send a copy of this order to the learned Arbitrator through all permissible modes.

² DIAC



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17. The present Petition, along with pending Application(s), if any, stands disposed of in the aforesaid terms.

HARISH VAIDYANATHAN SHANKAR, J.
APRIL 17, 2026/nd/kr/sg