$~74

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

\# **CNR No. DLHC010532952026**

\+ O.M.P. (T) (COMM.) 117/2026, I.A. 30505/2026

M/S KSHEERABD CONSTRUCTION PVT LTD .....Petitioner
Through: Ms. Anshula Grover, Adv.

versus

NATIONAL HIGHWAYS AND INFRASTRUCTURE DEVELOPMENT CORPORATION .....Respondent
Through: Mr. Anshul Rai and Ms. Mallika Ranjan, Advs.

CORAM:
HON'BLE MR. JUSTICE OM PRAKASH SHUKLA

JUDGMENT(ORAL)

% 04.11.2026

1. The present petition has been filed under Section 15(1)(a) read with Section 15(2) of the Arbitration and Conciliation Act, 1996[1], seeking appointment of a substitute Sole Arbitrator in place of the previously appointed learned Sole Arbitrator.

2. The disputes between the parties arise out of the Contract Agreement dated 01.06.2020, executed between the Petitioner and the Respondent in relation to the construction of a two-lane road with hard shoulders in the state of Nagaland under NH(O) Plan.

3. It is submitted that this Court, *vide* order dated 05.08.2026 passed in ARB.P. No. 777/2026, appointed Hon'ble Mr. Justice Sharad

[1] "Act" hereinafter

Signature Not Verified
Signed By:ANUBHAV TRIPATHI
Signing Date:05.11.2026 17:06:39

Arvind Bobde, former Chief Justice of India, as the Sole Arbitrator to adjudicate the disputes between the parties.

4. However, the learned Sole Arbitrator, *vide* email dated 08.09.2026, expressed his inability to continue with the arbitral proceedings on account of personal reasons.

5. In view of the aforesaid circumstances, the Petitioner seeks appointment of a substitute Arbitrator in terms of Section 15(2) of the Act.

6. Issue notice.

7. Mr. Anshul Rai, learned Counsel accepts notice on behalf of the Respondents.

8. Accordingly, Mr. Sanjay Karol, Former Judge, Supreme Court of India (Mob. No.9816028445), as nominated by and with the consent of both parties, is appointed as the learned Sole Substitute Arbitrator to adjudicate the disputes that have arisen between the parties. The learned Sole Substitute Arbitrator shall enter upon the reference within three weeks from today.

9. The learned Sole Arbitrator will proceed to the arbitration proceedings subject to furnishing requisite disclosures as required under Section 12(2) of the Act within three weeks of entering reference.

Signature Not Verified
Signed By:ANUBHAV TRIPATHI
Signing Date:05.11.2026 17:06:39

10. The arbitration shall be carried under the rules and aegis of Delhi International Arbitration Centre ("DIAC"). The learned Arbitrator shall be entitled to fees as per the Schedule of Fees maintained by the DIAC.

11. It shall be open to the parties to raise all pleas before the learned Sole Arbitrator who shall consider the same in accordance with law.

12. It is clarified that the observations made herein are only for the purpose of deciding the present petition. The learned Sole Arbitrator shall adjudicate the disputes independently and on their own merits, uninfluenced by any observations contained in the present order.

13. The Registry is directed to send a receipt of this order to Mr. Sanjay Karol, learned Arbitrator through all permissible modes including email.

14. Accordingly, the present petition is disposed of in the above terms.

OM PRAKASH SHUKLA, J

NOVEMBER 4, 2026/at

Signature Not Verified
Signed By:ANUBHAV TRIPATHI
Signing Date:05.11.2026 17:06:39