



2026:DHC:5912



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

+ ARB.P. 1194/2026 & I.A. 18856/2026

TRIVENI ENGINEERING AND INDUSTRIES LTD.

.....Petitioner

Through: Mr. Harpreet Singh, Adv.

versus

BHARAT HEAVY ELECTRICALS LTD. ....Respondent

Through: Ms. Mani Gupta and Mr. Aman  
Choudhary, Adv.

**CORAM:**

**HON'BLE MR. JUSTICE OM PRAKASH SHUKLA**

**ORDER (ORAL)**

**22.07.2026**

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1. The present petition has been filed under Section 11(6) of the Arbitration and Conciliation Act, 1996<sup>1</sup>, seeking the appointment of a Sole Arbitrator to adjudicate the disputes arising out of Letters of Intent dated 30.06.2008 and the work order dated 11.08.2008, which are governed by the General Conditions of Contract<sup>2</sup>.

2. The Petitioner is a company engaged in the business of manufacturing of high-speed gears, gear boxes, and water treatment solutions. The Respondent is a Government of India undertaking engaged in the business of engineering, manufacturing, and execution of projects in the power and energy sector.

3. The Respondent awarded the Petitioner the work of supply,

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<sup>1</sup> "the Act" hereinafter



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erection and commissioning of an Effluent Treatment Plant (ETP) and a Sewerage Treatment Plant (STP) for its project, '2X250 MW Expansion of Bhilai Project'.

4. Pursuant thereto, aforesaid Letter of Intent and the work order was issued by the Respondent to the Petitioner.

5. The disputes between the parties pertain to the Petitioner's claim for outstanding payments towards running account bills, retention money and other contractual dues. According to the Petitioner, although the work was completed as per the agreed terms, the Respondent defaulted in releasing the outstanding payments, as a result of which an amount of Rs.1,28,77,352.95/- remains due and payable.

6. It is borne out from the record that the Petitioner invoked the arbitration agreement contained in Clause 33 of the GCC by issuing a notice dated 16.01.2026 in terms of Section 21 of the Act, proposing the name of Hon'ble Mr. Justice Sudhir Kumar Saxena (Retd.), as the Sole Arbitrator.

7. The Respondent, however, did not concur with the proposed appointment and instead suggested some other names, which were not acceptable to the Petitioner.

8. Since the parties failed to arrive at a consensus regarding the

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<sup>2</sup> "GCC" hereinafter



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appointment of the Sole Arbitrator, the present petition has been filed.

9. After some hearing, learned Counsel for the Respondent submits that she has no objection to the relief sought by the Petitioner.

10. It is well settled that, while exercising jurisdiction under Section 11 of the Act, the scope of enquiry is confined to examining the *prima facie* existence of an arbitration agreement<sup>3</sup>.

11. In the present case, there is no dispute regarding the existence of a valid arbitration clause between the parties.

12. The claimed amount is stated to be Rs.1,28,77,352.95/-.

13. Further, the parties are *ad idem* with respect to the reference of the disputes to arbitration. In the aforesaid circumstances, this Court finds no impediment in appointing a Sole Arbitrator.

14. Accordingly, **Mr. Alakh Kumar, Advocate (Mob. No. 9811063763)** is appointed as a learned Sole Arbitrator to adjudicate the disputes that have arisen between the parties. The learned Sole Arbitrator shall enter upon the reference within two weeks from today.

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

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<sup>3</sup> SBI General Insurance Co. Ltd. v. Krish Spinning 2024 SCC OnLine SC 1754



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reference.

16. The arbitration shall be carried out under the rules and aegis of the Delhi International Arbitration Centre<sup>4</sup>. The learned Arbitrator shall be entitled to fees as per the Schedule of Fees maintained by the DIAC.

17. It shall be open to the parties to raise all pleas, including objections as to arbitrability, jurisdiction, and limitation before the learned Sole Arbitrator, who shall decide the same in accordance with law.

18. It is clarified that the observations made herein are only for the purpose of deciding the present petition under Section 11(6) of the Act. The learned Sole Arbitrator shall adjudicate the disputes independently and on their merits, uninfluenced by any observations contained in the present order.

19. The Registry is directed to send a copy of this order to Mr. Alakh Kumar, learned Arbitrator, through all permissible modes including email.

20. Accordingly, the present petition is disposed of in the aforesaid terms.

**OM PRAKASH SHUKLA, J.**

**JULY 22, 2026/ss**

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<sup>4</sup> "DIAC" hereinafter