



2026:DHC:8573



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

CNR No. DLHC010460542026

+ O.M.P. (T) (COMM.) 106/2026 & I.A. 26537/2026

M/S GORKI CONTRACTORS AND ENGINEERS

.....Petitioner

Through: Mr. Ajay Garg, Mr. Uday Garg,
Ms. Anusha Garg, Ms. Nishtha
Kumar and Ms. Ananya
Pandey, Advs.

versus

MTNL AND ORS

.....Respondents

Through: Mr. Ajay Pal Singh and Mr.
Aditya Mani Sharma, Advs.

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CORAM:

HON'BLE MR. JUSTICE OM PRAKASH SHUKLA

JUDGMENT(ORAL)

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30.09.2026

1. These petitions have been filed under Sections 14 and 15 of the



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Arbitration and Conciliation Act, 1996¹ seeking termination of the mandate of the earlier Sole Arbitrator and appointment of a substitute Sole Arbitrator.

2. Learned Counsel for the Petitioner submits that the claims in both the matters are over Rs. 2 crores, to which the learned Counsel for the Respondents has no objection thereto.

3. Mr. Aditya Mani Sharma, learned Counsel appearing on behalf of the Respondents submits that he has no objection to the appointment of Mr. Vinay Kumar Gupta (Retd.), Principal District and Sessions Judge, Delhi Higher Judicial Services as the substitute Sole Arbitrator in both these matters. The consent of the Respondents is, accordingly, taken on record.

4. The mandate of the erstwhile Sole Arbitrator had been extended by mutual consent of the parties under Section 29A(3) of Act up to 17.02.2026.

5. However, Mr. Arun Kumar Jain, the earlier learned Sole Arbitrator unfortunately passed away on 23.09.2025, during the subsistence of the extended mandate. His mandate consequently stood terminated by reason of his having become *de facto* unable to perform his functions.

6. The Petitioner thereafter undertook the process for appointment of a substitute Arbitrator. In the course of the said process,

Signature Not Verified "Act" hereinafter

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Respondents themselves furnished, *inter alia*, the name of Mr. Vinay Kumar Gupta, (Retd.), Principal District & Sessions Judge, Delhi Higher Judicial Services. The Petitioner has accordingly sought his appointment as the substitute Sole Arbitrator.

7. Having regard to the consent furnished by the Respondents, and there being no objection to the appointment proposed by the Petitioner, this Court is of the view that no further adjudication is called for on the question of appointment of the substitute Sole Arbitrator.

8. Both parties are *ad idem* for the appointment of the learned Sole Arbitrator.

9. Accordingly, Mr. Vinay Kumar Gupta, Retd. Principal District & Sessions Judge, Delhi Higher Judicial Services, is appointed as the substitute Sole Arbitrator to adjudicate the disputes between the parties in the arbitral proceedings bearing Case Reference Nos. DIAC/8107/03-24 and DIAC/8993/08-24.

10. The learned Sole Arbitrator shall enter upon the reference within three weeks from today.

11. In view of the fact that the proceedings had already reached the stage of final arguments and the intervening period has been consumed in the process of securing appointment of a substitute Sole Arbitrator, the mandate of the learned substitute Sole Arbitrator is extended by a period of six months from the date of entering upon the



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reference, subject to the provisions of Section 29A of the Act.

12. The period from 18.02.2026 till the date of the present order is stand regularised.

13. 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.

14. 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.

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

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

17. The Registry is directed to send a receipt of this order to Mr. Vinay Kumar Gupta, learned Arbitrator through all permissible modes including email.



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18. Accordingly, the present petitions are disposed of in the above terms. Pending application(s), if any, also stand disposed of.

OM PRAKASH SHUKLA, J

SEPTEMBER 30, 2026/gunn

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Signed By: GUNN O.M.P. (T) (COMM.) 106/2026 and O.M.P. (T) (COMM.) 107/2026
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