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

\# **CNR No. DLHC010128282026**

\+ ARB.P. 550/2026

SHIVA CONSTRUCTIONS .....Petitioner

Through: Mr. Ramesh Kumar & Mr. Ashutosh Prakash, Advocates.

versus

JESUS AND MARY AGRA EDUCATIONAL SOCIETY .....Respondent

Through: Mr. Sachin Singh Dalal and Mr. Ashwin Romy, Advocates.

**CORAM:**
**HON'BLE MR. JUSTICE PRATEEK JALAN**

**O R D E R**

**% 14.10.2026**

1. By way of this petition, under Section 11(6) of the Arbitration and Conciliation Act, 1996 ["the Act"], the petitioner seeks appointment of a sole arbitrator to adjudicate the disputes between the parties under a Contract Agreement dated 24.02.2020 ["the Agreement"].

2. I have heard Mr. Ramesh Kumar, learned counsel for the petitioner, and Mr. Sachin Singh Dalal, learned counsel for the respondent.

3. The Agreement contains an arbitration clause in the General Conditions of Contract [clause 2.34], which provides for resolution of disputes by a sole arbitrator.

4. Disputes having arisen between the parties, the petitioner invoked



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arbitration *vide* notice dated 28.02.2026.

5. The arbitration clause provides for the arbitrator to be appointed by the respondent herein. However, Mr. Dalal accepts that such an appointment would not be in accordance with the prevailing legal position, and therefore consents to the appointment of an independent arbitrator.

6. Although the Agreement does not contain any provision with regard to the seat of arbitration, the petitioner has averred that the Agreement was entered into in Delhi, and the respondent has not controverted this position in its reply.

7. In the course of hearing and in view of the above submissions, learned counsel for the parties agree that the petition may be disposed of, with the following directions:

a. Hon'ble Ms. Justice Chandrasekharan Sudha, former Judge of this Court [Tel: 9446045653], is appointed as the arbitrator to adjudicate disputes between the parties under the Agreement.

b. The arbitration will be held under the aegis of Delhi International Arbitration Centre ["DIAC"] and will be governed by the Rules of DIAC, including as to remuneration of the learned Arbitrator.

c. The learned Arbitrator is requested to furnish a declaration under Section 12 of the Act, prior to entering upon the reference.

d. In the event the parties desire that any particular hearing take place in Agra, where the work under the Agreement was executed, the learned Arbitrator may take a decision in this regard having regard to Section 20(3) of the Act.

8. It is clarified that this Court has not expressed any opinion on the



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merits of the disputes or on the objections raised by the respondents. All rights and contentions of the parties, including those relating to the arbitrability and maintainability of the claims and the merits of the disputes, are left open for adjudication by the learned Arbitrator.

9. The petition stands disposed of in the above terms.

**PRATEEK JALAN, J**

**OCTOBER 14, 2026**
SS/SM/



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