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

\# **CNR No. DLHC010318272026**

\+ ARB.P. 1189/2026

M/S GUPTA BROS. (INDIA) .....Petitioner

Through: Mr. S.K. Maniktala, Mr. Udit Maniktala, Mr. Vikas Rana, Ms. Anju Katoch, Mr. Yudit Bhardwaj and Mr. Shivam Sharma, Advocates.

versus

THE PRESS TRUST OF INDIA LIMITED .....Respondent

Through: Mr. Abhik Kumar and Mr. Rinku Mathur, Advocates.

CORAM:
HON'BLE MR. JUSTICE PRATEEK JALAN

O R D E R

% 14.10.2026

1. By way of the present petition, under Section 11(6) of the Arbitration and Conciliation Act, 1996 ["the Act"], the petitioner seeks appointment of a sole arbitrator, in respect of disputes arising between the parties under an Agreement dated 07.07.2014 ["the Agreement"], by which the petitioner was awarded a contract for works by the respondent.

2. I have heard Mr. S.K. Maniktala, learned counsel for the petitioner, and Mr. Abhik Kumar, learned counsel for respondent.

3. The General Conditions of Contract contains an arbitration clause [Clause 82.1], which provides for reference of disputes arising under the Agreement, to arbitration. The clause provides for appointment of a sole

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arbitrator by mutual consent within one month of the notice, failing which, the respondent shall appoint the arbitrator.

4. Disputes having arisen between the parties, the petitioner invoked arbitration by notice dated 16.05.2018. Pursuant thereto, the respondent unilaterally appointed an arbitrator in terms of the arbitration clause.

5. By a judgment dated 02.02.2023 in O.M.P.(T)(COMM.) 92/2022 and O.M.P. (MISC.) 16/2022, this Court held that the unilateral appointment of the earlier arbitrator by the respondent was itself impermissible in law, and the mandate of the said arbitrator was therefore terminated. Further, a former Judge of this Court was appointed as the arbitrator, with a request to take up the proceedings at the stage at which they were pending.

6. The respondent challenged the aforesaid judgment before the Supreme Court in SLP(C) 10418/2023, which came to be dismissed *vide* order dated 25.08.2025.

7. The petitioner is back before this Court as the learned Arbitrator appointed by this Court has recused from the matter, as informed to the parties by a communication from the Delhi International Arbitration Centre [“DIAC”] dated 19.05.2026.

8. In these circumstances, although the petitioner invoked arbitration afresh by a communication dated 02.07.2026, it appears that the case falls within Section 15 of the Act, and a substitute arbitrator is required to be appointed, since the erstwhile arbitrator has withdrawn from his office.

9. The only objection raised by Mr. Kumar is that *vide* the aforesaid judgment dated 02.02.2023, this Court had directed that the arbitral proceedings would be conducted under the aegis of DIAC, and the rules

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of DIAC provide for substitution of the arbitrator by the Chairperson nominated by Hon'ble the Chief Justice, under Rule 3 of the DIAC (Internal Management) Rules, 2012. As this is only objection advanced by Mr. Kumar, Mr. Maniktala submits that the petition may be disposed of, by requesting the Chairperson of DIAC to appoint the substitute arbitrator. Mr. Kumar also states that there is no objection to substitution in this manner.

10. In view of the above, the petition is disposed of, with a request to the Chairperson, DIAC, to appoint a substitute arbitrator, in view of recusal by the erstwhile arbitrator appointed by this Court *vide* judgment dated 02.02.2023.

11. The petitioner may approach DIAC for an expeditious decision.

12. It is made clear that this order has been passed in view of the aforesaid submissions of the learned counsel for the parties, and all legal questions are left open for consideration in an appropriate case.

PRATEEK JALAN, J

OCTOBER 14, 2026
'*da*'/SM/

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