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

+ **ARB.P. 174/2026 & I.A. 1985/2026**

M/S ASIAN CONSTRUCTION COMPANYPetitioner

Through: **Ms. Poonam Prasad, Advocate.**

versus

rites limitedRespondent

Through:

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

23.01.2026

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1. The present petition has been filed under Section 11(6) of the Arbitration and Conciliation Act, 1996 by the Petitioner seeking appointment of an Arbitrator to adjudicate upon the disputes between the parties under an Agreement dated 12.07.2017, entered into between the Parties in pursuance of the Letter of Acceptance dated 23.05.2017, for the work of "Construction of Balance Works of Convention Centre having Auditorium of 2500 Seating Capacity and Ancillary Buildings for Pondicherry University at Puducherry".

2. It is the case of the Petitioner that the Petitioner completed the work and a completion certificate was issued in favour of the Petitioner on 30.04.2019. It is stated that Claim Letters dated 01.06.2024, 14.08.2024 & 03.12.2024 were issued by the Petitioner, however, the Respondent failed to provide any response to the said Claim Letters.

3. Clause 25 of the General Conditions of Contract contains an



arbitration clause. Though the said clause suggests that the Respondent can unilaterally appoint an Arbitrator, however, the said condition is no longer valid in view of the judgment passed by the Apex Court in Perkins Eastman Architects DPC & Anr. vs. HSCC (India) Limited, (2020) 20 SCC 760.

4. The arbitration clause also does not specifically indicate that the seat of the arbitration shall be at Delhi. However, the learned Counsel for the Petitioner states that since the Agreement was executed in Delhi, a part of cause of action has arisen in Delhi and, therefore, this Court has the jurisdiction to entertain the present petition.

5. Subject to the issue of jurisdiction, this Court is inclined to issue notice.

6. Issue notice.

7. On taking steps, let notice be issued to the Respondent through all permissible modes, including *dasti*.

8. List on 23.03.2026.

SUBRAMONIUM PRASAD, J

JANUARY 23, 2026

S. Zakir