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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
CNR No. DLHC010265332026
+ **O.M.P.(I) (COMM.) 250/2026**
MS BAFNA GLOBAL VENTURE PVT LTDPetitioner

Through: Mr. Tanmay Mehta, Mr. Pranav Sarthi, Mr. Vinayak Chitale, Ms. Prachi Dhingra, Mr. Udit Bajpai, Mr. Ayush Raj, Mr. Utkarsh Vatsa and Ms. Sandali Gupta, Advs.

versus

**NATIONAL COUNCIL OF EDUCATIONAL RESEARCH
AND TRAINING NCERT & ANR.**Respondents

Through: Mr. Darpan Wadhwa, Sr. Adv. with Mr. Ashok Kumar, Mr. Amer Vaid, Mr. Rea Bhalla and Ms. Anshita Bhardwaj, Adv. Mr. Anmol Mehta, Adv. for R-2

CORAM:
HON'BLE MR. JUSTICE OM PRAKASH SHUKLA

JUDGMENT (ORAL)

% **30.07.2026**

1. The present petition has been filed under Section 9 of the Arbitration and Conciliation Act, 1996¹ seeking following reliefs:

“a) Restrain Respondent No.1, its Officers, Agents and Representatives, and/or employees from invoking / forfeiting bank guarantee no. 0005NDDG00220426 dated 10.12.2025 amounting to Rs 6,09,20,000/- (Rupees Six Crore Nine Lakh Twenty Thousand Only) issued by Respondent No. 2.

¹ “the Act” hereinafter



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b) Restrain Respondent No. 2 from paying out pursuant to any request from Respondent No. 1 under bank guarantee no. 0005NDDG00220426 dated 10.12.2025 amounting to Rs 6,09,20,000/-;

c) Restrain Respondent No.1, its Officers, Agents and Representatives, and/or employees from debarring or blacklisting the Petitioner from participating, directly or indirectly, in any procurement process, tender, bid, rate contract, or other business dealings of Respondent No.1 for a period of two (02) years with effect from the date of issuance of the Impugned Order

d) Direct Respondent No. 1 to withdraw its Order dated 22.06.2026 informing invocation/forfeiture of bank guarantee no. 0005NDDG00220426 dated 10.12.2025 amounting to Rs 6,09,20,000/- and debarment/blacklisting from participating in procurement processes;

e) Ad interim relief in terms of (a), (b) and (c) above;

f) Confirm ad interim relief in terms of (a), (b) and (c) after issuance of notice to the Respondents during the pendency of the present Petition/Application; and/or,

g) Pass such other orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case."

2. After arguments were heard on several occasions, Counsel for the respective parties, upon instruction submit that the parties are *ad idem* in their request that the disputes forming the subject matter be referred to arbitration.

3. The relevant arbitration Clause between the parties is reproduced hereinbelow:

"27.04 Resolution of Disputes

3. The dispute resolution mechanism to be applied pursuant to clause 4.2 shall be as follows:

a. A dispute or difference arising between the NCERT and



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Successful Bidder(s) relating to any matter arising out of or connected with the contract assigned to the Successful Bidder(s) for execution under Contract Agreement shall be referred to the sole arbitration by an Arbitrator appointed by the Director, NCERT. The award of the Arbitrator shall be final and binding on the Successful Bidder(s) to the Contract Agreement subject to the provision that the Arbitrator shall give reasoned award. The place of Arbitration shall be Delhi and the jurisdiction of the Courts will be Delhi only.

b. The Indian Arbitration and Conciliation Act, 1996, the rules thereunder and any statutory modifications or re-enactments thereof, shall apply to the arbitration proceedings.”

4. Both parties, by consent waive their contractual and formal procedures under the Act and agree for the appointment of a Sole Arbitrator.

5. In view of the parties’ mutual consent to refer the dispute forming the subject matter of the present proceedings to the arbitration, this Court considers it appropriate that the commencement of the arbitral proceedings should not be delayed.

6. Accordingly, in the interest of justice an arbitrator is appointed to adjudicate the disputes arisen between the parties.

7. Accordingly, Mr. Justice Ravi Shankar Jha (Retd.), Former Chief Justice of Punjab and Haryana High Court (Mob. No. +91-9425153362) is appointed as a learned Sole Arbitrator to adjudicate the disputes arisen between the parties. The learned Sole Arbitrator shall enter upon the reference within one week from today.



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8. 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 10 days of entering reference.

9. 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.

10. 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.

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

12. The Registry is directed to send a receipt of this order to Mr. Justice Ravi Shankar Jha (Retd.), learned Arbitrator through all permissible modes including email.

13. Accordingly, the present petition filed under Section 9 of the Act shall stand treated as an application under Section 17 of the Act, and same shall be considered as decided by the learned Sole Arbitrator upon entering into the reference.



14. It is clarified that the interim order dated 24.06.2026 shall continue till such time as the Section 17 application is taken up and adjudicated upon by the learned Arbitrator.

15. The learned Arbitrator shall decide the application under Section 17 as expeditiously as possible, and both parties shall endeavour not to seek any adjournment in the proceedings.

16. Accordingly, the present petition along with pending application, if any, is disposed of in the above terms.

17. At this stage, Mr. Darpan Wadhwa, learned Senior Counsel and Mr. Ashok Kumar, learned Counsel have informed the Court that their appearance was not recorded in the order dated on 28.07.2026. It is hereby directed that the appearance of Mr. Darpan Wadhwa, learned Senior Counsel and Mr. Ashok Kumar, learned Counsel for the Respondent (NCERT) be recorded in the order dated 28.07.2026.

OM PRAKASH SHUKLA, J

JULY 30, 2026/ss