

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

ARBITRATION PETITION NO. 25 OF 2026

AHMED SHAMMA

PETITIONER

VERSUS

UNIVERSAL INDUSTRIAL PLANTS
MFG. CO. (P) LTD.

RESPONDENT

O R D E R

1. This petition under Section 11(6) of the Arbitration and Conciliation Act, 1996 ("the Act") seeks the appointment of a sole arbitrator to adjudicate disputes arising from the Contracts dated 10.11.2018, 27.09.2020, and 28.07.2023 executed between the predecessor-in-interest of the Petitioner and the Respondent.
2. The Respondent is an Indian private limited company, engaged in the manufacture and supply of oxygen/nitrogen plants and allied equipment. The Petitioner's father entered into a Purchase Contract dated 10.11.2018 with the Respondent, whereby the Respondent would supply a customised oxygen/nitrogen plant. Two further contracts dated 27.09.2020 and 28.07.2023 were also executed, seemingly towards the same end. It is submitted that advance payments of approximately USD 176,690 (INR 1.7 crores) were made to the Respondent.
3. It appears from the pleadings that dispute arose between the parties on account of alleged delays in initiation of development/manufacture of the plant, which led the Petitioner to terminate the contracts and demand a refund of its advance

payment. The Respondent, on the other hand, declined such liability, citing manufacturing and storage costs already incurred in anticipation of fulfilling the order. In these circumstances, disputes arose between the parties in relation to the aforesaid Contracts. It is noteworthy that Clause (iii) of the 'Standard Terms and Conditions of Supply' attached to the contract dated 28.07.2023 provides for reference of disputes between the parties to a Sole Arbitrator to be appointed by the Respondent, with the seat at New Delhi.

4. The Respondent initially sent an Arbitration Notice dated 28.01.2025, followed by a petition under Section 11(6) before the Delhi High Court seeking appointment of an Arbitrator. Meanwhile, the Petitioner, being ordinarily resident in Egypt, has filed the instant petition in light of Section 11(9) of the Act.
5. We have heard learned counsel for the Petitioner and perused the material placed on record. None appears for the Respondent despite service of notice having been attempted. However, since the Respondent has itself invoked the arbitration clause and initiated proceedings under Section 11 of the Act in respect of the very same disputes, the existence of a valid and binding arbitration agreement between the parties is not in dispute.
6. Keeping in view the facts and circumstances recorded above and Clause (iii) of the 'Standard Terms and Conditions of Supply'

in Contract dated 28.07.2023, we deem it just and proper to allow the instant Arbitration Petition and appoint Justice Rakesh Kumar Jain, former Judge, Punjab & Haryana High Court and former Member, National Company Law Appellate Tribunal, as the Sole Arbitrator to resolve the disputes between the parties. The seat and venue of arbitration shall, in accordance with the arbitration agreement, be New Delhi.

7. The Arbitrator shall have the liberty to fix his/her own remuneration/fees. Ordered accordingly.
8. Pending interlocutory applications, if any, also stand disposed of.

.....CJI.
(SURYA KANT)

.....J.
(JOYMALYA BAGCHI)

.....J.
(V. MOHANA)

NEW DELHI;
JULY 27, 2026.

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Arbitration No(s). 25/2026

AHMED SHAMMA

Petitioner(s)

VERSUS

UNIVERSAL INDUSTRIAL PLANTS MFG. CO. (P) LTD.

Respondent(s)

(IA No. 101141/2026 - EXEMPTION FROM FILING O.T.)

Date : 27-07-2026 This matter was called on for hearing today.

CORAM : HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE JOYMALYA BAGCHI
HON'BLE MRS. JUSTICE V. MOHANA

For Petitioner(s) :Ms. Farhat Jahan Rehmani, AOR
Mr. A. Mishra, Adv.

For Respondent(s) :

UPON hearing the counsel the Court made the following

O R D E R

The petition is allowed in terms of the signed order.

Pending application(s), if any, shall stand closed.

(NITIN TALREJA)
ASTT. REGISTRAR-cum-PS

(PREETHI DILEEP KUMAR)
DY. REGISTRAR

(Signed order is placed on the file)