

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

ARBITRATION PETITION (C) NO(S).29/2025

BHARAT ELECTRONICS LTD.

PETITIONER(S)

VERSUS

M/S SCHMID TELECOM, ZURICH

RESPONDENT(S)

O R D E R

1. This petition under Section 11(5) and Section 11 (6) of the Arbitration and Conciliation Act, 1996 (1996 Act) seeks the appointment of a sole arbitrator to adjudicate disputes arising from the Technical Collaboration Agreement dated 26.06.2020 (Agreement), as subsequently amended on 30.05.2022, executed between the Petitioner and the Respondent.

2. Briefly observed, the Petitioner, Bharat Electronics Ltd., is a Navratna PSU under the Ministry of Defence, Government of India, engaged in the design, development, and manufacturing of strategic electronic equipment, defence communication systems, and aerospace systems. The Respondent, M/s Schmid Telecom, Zurich, is a sole proprietorship company organized under the laws of Switzerland, involved in designing, manufacturing, and marketing IP-based Voice Communication Systems (VCS) for Air Traffic Control. The parties entered into the Agreement dated 26.06.2020 for, *inter alia*, the transfer of technology and technical know-how and specialised engineering support to enable the Petitioner to indigenously manufacture, test, integrate, and supply ICAO-compliant IP-based Voice Communication Systems. As per Clause 20 thereof, disputes between the parties would

be referred to arbitration in New Delhi, to be administered by the International Centre for Alternate Dispute Resolution (ICADR).

3. It appears that a dispute arose in 2023, on account of the alleged failure of the Respondent to meet its contractual commitments in a time-bound manner, i.e., as per the agreed milestones. In response, the Respondent statedly took the position that its performance stood suspended on account of the non-renewal of an earlier Memorandum of Understanding dated 03.10.2019, and subsequently denied its obligations under the Agreement. In these circumstances, the Petitioner issued notice dated 24.02.2025 invoking arbitration. Due to the ICADR having been statutorily substituted, it was suggested that the Arbitration be administered by the India International Arbitration Centre (IIAC), New Delhi. However, as the Respondent failed to reply to the said notice, the Petitioner has filed the instant Petition under Section 11 of the Act.

4. We have heard learned counsel for the Petitioner and perused the material placed on record. No one has appeared on behalf of the Respondent despite service of notice through publication. An affidavit of compliance in this regard has been duly filed by learned counsel for the Petitioner.

5. Keeping in view the facts and circumstances recorded above and the relevant provision(s) under the Technical Collaboration Agreement dated 26.06.2020, as amended on 30.05.2022, we deem it just and proper to allow the instant Arbitration Petition and appoint Justice Chander Shekhar, former Judge of the Delhi High Court as the Sole Arbitrator to resolve the disputes between the parties. The seat and venue of arbitration, in accordance with the arbitration agreement, shall be New Delhi, India. Ordered

accordingly.

6. The Arbitrator shall have the liberty to fix his own remuneration/fees.

7. Pending interlocutory applications, if any, also stand disposed of.

.....CJI.
(SURYA KANT)

.....J.
(JOYMALYA BAGCHI)

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

NEW DELHI;
SEPTEMBER 28, 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).29/2025

BHARAT ELECTRONICS LTD

Petitioner(s)

VERSUS

M/S SCHMID TELECOM, ZURICH

Respondent(s)

Date : 28-09-2026 This petition 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) :Mr. Vikas Kumar, AOR
Mr. Karan Gulwade, Adv.
Ms. Samiksha Jain, Adv.
Ms. Vidhanshi Kamalia, Adv.
Ms. Nidhi Agarwal, Adv.

For Respondent(s) :

UPON hearing the counsel the Court made the following
O R D E R

1. The Arbitration Petition is allowed in terms of the signed order.
2. Pending interlocutory applications, if any, also stand disposed of.

(ARJUN BISHT)
ASTT. REGISTRAR-cum-PS

(PREETHI DILEEP KUMAR)
DY. REGISTRAR

(signed order is placed on the file)