

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

ARBITRATION PETITION NO. 44 OF 2025

BHUTAN VENTURES FERRO ALLOYS
PVT. LTD.

PETITIONER(S)

VERSUS

SHYAM EPC PVT. LTD

RESPONDENT(S)

WITH

ARBITRATION PETITION NO. 46 OF 2025

ARBITRATION PETITION NO. 49 OF 2025

O R D E R

1. These three petitions have been filed under Section 11(6) read with Section 11(12) of the Arbitration and Conciliation Act, 1996 (1996 Act). The petitioner is a company incorporated in Bhutan, whereas the respondent is an Indian company.
2. The petitions concern three Engineering, Procurement and Construction contracts, all dated 01.12.2022, relating respectively to civil construction; supply; and erection, installation, testing and commissioning for a 2 x 33 MVA Ferro Silicon Project in Bhutan.
3. Notably, each of the three contracts contains an arbitration clause providing for resolution of disputes through arbitration. It is further discernible that the agreed place

of arbitration is New Delhi and the arbitral proceedings are to be governed by the 1996 Act.

4. Briefly, disputes are stated to have arisen between the parties in relation to the performance of the three contracts. It is submitted that the petitioner terminated all three contracts by notice dated 16.12.2024 and, by a consolidated notice dated 10.03.2025, invoked arbitration in respect of the disputes arising thereunder. Further, the respondent did not act upon the invocation notice, leading to the institution of the present petitions.
5. Notice was issued in these matters, and pursuant to the order dated 20.03.2026, substituted service was effected on the respondent through publication in *Sakshi* and *The Times of India*. Despite completion of service, no one has appeared on behalf of the respondent.
6. We have heard learned counsel for the petitioner and perused the material placed on record. The existence of the arbitration agreements and the respondent's failure to act upon the invocation notice are sufficiently borne out from the record. The petitions are, accordingly, allowed.
7. Hon'ble Mr. Justice Mukul Mudgal, former Chief Justice of the Punjab and Haryana High Court, is appointed as the Sole Arbitrator in all three matters to adjudicate the disputes

between the parties arising out of the three EPC contracts forming the subject matter of these petitions.

8. The seat and venue of arbitration shall be New Delhi, in accordance with the arbitration agreements.
9. We clarify that this Court has not expressed any opinion on the merits of the disputes. All factual and legal contentions of the parties, including their claims and counterclaims, are left open to be raised before the learned Sole Arbitrator.
10. The learned Sole Arbitrator shall be at liberty to determine his fees and other terms in consultation with the parties.
11. Pending interlocutory applications, if any, also stand disposed of.

.....CJI.
(SURYA KANT)

.....J.
(JOYMALYA BAGCHI)

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

NEW DELHI;
JULY 31, 2026.

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGSPetition(s) for Arbitration No(s). 44/2025

BHUTAN VENTURES FERRO ALLOYS PVT. LTD.

Petitioner(s)

VERSUS

SHYAM EPC PVT. LTD

Respondent(s)

WITH

ARBIT.PETITON No. 46/2025 (PIL-W)

ARBIT.PETITON No. 49/2025 (PIL-W)

Date : 31-07-2026 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. MOHANAFor Petitioner(s) :Ms. Malvika Kapila, AOR
Ms. Harbani Shinh, Adv.
Ms. Apoorva Jain, Adv.
Mr. Kanishk Sachdeva, Adv.

For Respondent(s) :

UPON hearing the counsel the Court made the following

O R D E R

The Arbitration Petitions are 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)