

**IN THE SUPREME COURT OF INDIA
EXTRAORDINARY APPELLATE JURISDICTION
SPECIAL LEAVE PETITION (C) NO.27532 OF 2025**

SRI ARUN KUMAR DEY

.... PETITIONER

VERSUS

**THE OIL AND NATURAL GAS
CORPORATION LIMITED
(ONGC) THR. ITS EXECUTIVE
DIRECTOR AND ANR.**

.... RESPONDENTS

O R D E R

The petitioner was the applicant before the High Court seeking arbitration with respect to the dispute arising from the execution of work entrusted by the first respondent. The High Court found that indeed there was an Arbitration Clause in the agreement between the parties. However, the High Court, on an examination of the facts, found that the petitioner had issued many notices and raised further claims in the subsequent notices finding that this is impermissible under the Arbitration Clause, thus disentitling the petitioner to an arbitration as permitted in the agreement.

2. We were definite that the impugned order cannot be sustained; especially since the Court at the stage of a Section 11 application is only supposed to look into whether there is an Arbitration Clause or

not. Having found an Arbitration Clause, the parties should have been left to agitate all their contentions before the Arbitrator. The parties, hence, consented for appointment of an Arbitrator. We called for suggestions from the parties and based on that we appoint Hon'ble Justice (Retd.) Shri Subhashis Talapatra, former Chief Justice, High Court of Orissa (Address: VIP Road, Bangladesh Assistant High Commission, Near Circuit House, Kunjaban, Agartala, Tripura - 799 001, Email id: reachsubhashis@gmail.com, Mobile No.9436122984) as the sole Arbitrator to adjudicate upon the disputes that have arisen between the parties.

3. The Arbitrator shall issue notices to the parties in connection with the arbitral proceedings. He is left free to determine his fee. We make it clear that we have expressed no opinion on the merits of the case which aspect is left open for the parties to urge before the learned Arbitrator. The Registry of this Court shall intimate the learned Arbitrator. No costs.

4. The special leave petition stands disposed of.

5. Pending application(s), if any, shall also stand disposed of.

..... J.
(J. B. PARDIWALA)

..... J.
(K. VINOD CHANDRAN)

**NEW DELHI;
AUGUST 21, 2026.**

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition for Special Leave to Appeal (C) No.27532/2025

[Arising out of impugned final judgment and order dated 11-07-2025 in ARB P No. 5/2025 passed by the High Court of Tripura at Agarthala]

ARUN KUMAR DEY

Petitioner(s)

VERSUS

THE OIL AND NATURAL GAS CORPORATION LIMITED
(ONGC) & ANR.

Respondent(s)

Date : 21-08-2026 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J.B. PARDIWALA
HON'BLE MR. JUSTICE K. VINOD CHANDRAN

For Petitioner(s) :

Mr. Sachin Jaysing Patil, Adv.
Mr. Ajit Pravin Wagh, AOR
Ms. Nivedita Kushwaha, Adv.
Mr. Shreyas Gacche, Adv.
Mr. Avinish Kr Saurabh, Adv.

For Respondent(s) :

Mr. Akshay Amritanshu, AOR
Mr. Sarthak Srivastava, Adv.
Mr. Utkarsh Rai, Adv.

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

1. The Special Leave Petition stands disposed of, in terms of the signed order.
2. Pending application(s), if any, shall also stand disposed of.

(VISHAL ANAND)
DEPUTY REGISTRAR

(POOJA SHARMA)
COURT MASTER (NSH)

(Signed Order is placed on the file)