

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. _____ OF 2026
[Arising out of SLP(C) No. _____ /2026]
[Diary No(s).31158/2026]

M/S DMI FINANCE PVT. LTD

APPELLANT(S)

VERSUS

M/S RCC INFRAVENTURES LIMITED & ORS.

RESPONDENT(S)

O R D E R

1. Delay condoned.
2. Leave granted.
3. The instant dispute between the parties arises out of certain loan facilities availed by the respondent entities from the appellant. In connection therewith, the parties had entered into a Memorandum of Understanding ('MoU') dated 05.01.2020, which contained an arbitration clause providing for resolution of disputes by a Sole Arbitrator, in accordance with the provisions of the Arbitration and Conciliation Act, 1996.
4. Shortly thereafter, owing to certain disagreements between the parties, the respondents invoked arbitration by notice dated 27.07.2020. Subsequently, the Delhi High Court, *vide* order dated 02.11.2020, appointed Hon'ble Ms. Justice R. Banumathi, former Judge of this Court, as the Sole Arbitrator.

5. After completion of pleadings, the arbitration proceeded to the stage of recording of evidence. Respondent No. 4 was the first one to be examined as Claimant Witness No. 1. During his cross-examination on 10.08.2025, he left the cross-examination midway, purportedly on account of ill health. Additionally, he also failed to sign his deposition. Consequently, the learned Sole Arbitrator, *vide* order dated 12.08.2025, recused herself from the proceedings. The respondents consequently approached the High Court seeking appointment of a substitute Arbitrator. By the impugned judgment dated 12.02.2026, the High Court appointed Hon'ble Mr. Justice Mukul Mudgal, former Chief Justice of the Punjab and Haryana High Court, as the substitute Arbitrator.

6. The appellants objected to the said appointment on the ground that Hon'ble Mr. Justice Mukul Mudgal, whose name had not been mutually accepted by the parties at the stage of the original appointment, could not have been appointed as the substitute Arbitrator without the consent of the appellants.

7. Heard learned Senior Counsel/counsel for the parties.

8. With the consent of the parties and upon their suggestion, the impugned judgment of the High Court dated 12.02.2026 is modified to the extent that Justice Sudhanshu Dhulia, former Judge of this Court, is appointed as the substitute Sole Arbitrator.

9. With a view to enable the learned Arbitrator to conclude the proceedings, the time for completion of the arbitration is

extended by one year. All other terms and conditions shall remain unchanged.

10. The appeal is, accordingly, 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 PROCEEDINGS

SPECIAL LEAVE PETITION (CIVIL)..... Diary No(s).31158/2026

[Arising out of impugned final judgment and order dated 12-02-2026 in ARBP No. 1379/2025 12-02-2026 in O.M.P.(T)(COMM.) No. 98/2025 passed by the High Court of Delhi at New Delhi]

M/S DMI FINANCE PVT. LTD

Petitioner(s)

VERSUS

M/S RCC INFRAVENTURES LIMITED & ORS.

Respondent(s)

IA No. 210842/2026 - CONDONATION OF DELAY IN FILING, IA No.210843/2026 - CONDONATION OF DELAY IN REFILING/CURING THE DEFECTS, IA No. 210841/2026 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

Date : 31-07-2026 These matters were 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 Singh, Sr. Adv.
Mrs. Geeta Luthra, Sr. Adv.
Mr. Nitin Saluja, AOR
Mr. Manas Agrawal, Adv.
Ms. Pranya Madan, Adv.
Ms. Ishita Soni, Adv.
Mr. Rishabh Dahiya, Adv.
Ms. Prashansika Thakur, Adv.
Ms. Varnika Bhardwaj, Adv.
Ms. Deepeika Kalia, Adv.
Ms. Khushi, Adv.
Mr. Sudeep Chandra, Adv.

For Respondent(s) :Ms. Amrita Panda, AOR
Mr. Ruchir Joshi, Adv.
Mr. Harsh Bansal, Adv.

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

1. Delay condoned.
2. Leave granted.

3. The appeal is disposed of in terms of the signed order.
4. All pending 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)