



ARB-614-2024 (O&amp;M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

304

ARB-614-2024 (O&amp;M)

Date of Decision: 06.02.2025

M/s NKB Infrastructure Private Limited

...Applicant

Versus

Haryana Shehri Vikas Pradhikaran (HSVP) and another

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: - Mr. Tarun Gupta, Advocate for the applicant  
(*through video conferencing*)Mr. G.S. Rana, Advocate  
for Mr. P.S. Rana, Advocate for the respondents

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**JAGMOHAN BANSAL, J.** (Oral)

1. Through instant application under Section 11(6) of the Arbitration and Conciliation Act, 1996 (for short '**1996 Act**'), the applicant is seeking appointment of an Arbitrator.

2. The applicant was issued re-allotment letter dated 24.12.2008 (Annexure P-1) by the respondents. A dispute erupted between the parties. There is an arbitration clause in the conditions of re-allotment letter. The issuance of re-allotment letter, arbitration clause in conditions of re-allotment letter and service of notice under Section 21 of 1996 Act is not disputed.

3. Learned counsel for the respondents submits that as per conditions of re-allotment letter, in the event of dispute, the matter shall be referred to the arbitration of Chief Administrator or any other officer



appointed by him, thus, this Court cannot make appointment of an Arbitrator.

4. In view of judgment of Five Judges Bench of Supreme Court in *Central Organisation for Railway Electrification v. ECI SPIC SMO MCML (JV) A Joint Venture Co., 2024 SCC OnLine SC 3219*, the respondent cannot make unilateral appointment. The appointment in such circumstances needs to be made by High Court or Supreme Court. Thus, the submission of the respondents is contrary to the aforesaid judgment.

5. Conditions to invoke power conferred by Section 11(6) of 1996 Act stand satisfied, thus, I hereby appoint a sole Arbitrator to adjudicate the dispute between the parties.

6. Ms. Justice Navita Singh, Former Judge of this Court, residing at Flat No.309, 9th Floor, Jaishree Towers, Swastik Vihar, Mansa Devi Complex, Sector 5, Panchkula, Mobile No.8558809911 is hereby appointed as a Sole Arbitrator to adjudicate the dispute between the parties, subject to compliance of statutory requirements. The learned Arbitrator is requested to comply with mandate of Section 12 of 1996 Act before proceeding further.

7. Parties are directed to appear before the learned Arbitrator on date, time and place to be fixed by the Arbitrator at her convenience.

8. The Arbitrator shall be paid fee in accordance with the Fourth Schedule of the 1996 Act, as amended.

9. The Arbitrator is requested to complete the proceedings as per time limit specified under Section 29-A of the 1996 Act.

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10. Needless to mention, parties would be at liberty to raise all the claims/defences/counter claims/pleas before the Arbitrator. Any observation made hereinabove will not be binding on the learned Arbitrator.

11. A request letter along with copy of this order be sent to Ms. Justice Navita Singh.

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

**(JAGMOHAN BANSAL)**  
**JUDGE**

**06.02.2025***Mohit Kumar*

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No