



ARB-365-2025 (O&M)

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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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ARB-365-2025 (O&M)

Date of Decision: 03.09.2025

M/s Secant Construction Private Limited

...Applicant

Versus

**Executive Engineer, Provincial Division No.II, Haryana Public Works
(B&R) and others**

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: - Mr. Amit Kaushik, Advocate for the applicant

Mr. Suneel Ranga, Deputy Advocate General, Haryana

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. Pursuant to tender, the bid of the applicant was accepted by the respondent vide letter dated 30.03.2018. Thereafter, an agreement was executed. A dispute erupted between the parties. There is an arbitration clause in the Conditions of Contract. The applicant served notice upon the respondent seeking resolution of dispute through Arbitral Tribunal but to no avail.
3. Learned State counsel submits that application of the applicant seeking appointment of Arbitrator is pending before Chief Engineer, PWD, (B&R) Haryana, thus, instant application is not maintainable.



4. The applicant approached competent authority in December' 2024 and no action has been taken. 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* read with Section 12(5) of 1996 Act, the respondent cannot make unilateral appointment. Such appointment is bad in the eye of law. There should be an independent Arbitrator. Impartiality and confidence of parties are pillars of arbitration proceedings. The appointment in such circumstances needs to be made by High Court or Supreme Court.

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. Mrs. Justice Sabina, Acting Chief Justice (Retd.), Himachal Pradesh High Court, residing at House No. 1842, Sector 34-D, Chandigarh, Mobile No.9780008138 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. The parties at the first instance will appear before the Arbitrator on 17.09.2025 at 10:00 AM and thereafter, as directed by learned Arbitrator.

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.

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 Mrs. Justice Sabina.

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

(JAGMOHAN BANSAL)
JUDGE

03.09.2025
Mohit Kumar

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