



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

268

ARB-180-2024

Date of decision: 14.05.2025

M/S NANDA CONSTRUCTION COMPANY ....APPLICANT

Vs.

CHIEF ENGINEER PUNJAB AND ANOTHER ...RESPONDENTS

**CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL**

Present: Mr. Dheeraj Mahajan, Advocate  
for the applicant.

Mr. Chanchal Kumar Singla, Addl. A.G., Punjab.

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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 parties entered into arbitration agreement dated 13.11.2019. A dispute erupted between the parties. The applicant served notice upon respondent seeking resolution of dispute through arbitral tribunal but to no avail.

3. Mr. Chanchal Kumar Singla, Addl. A.G., Punjab submits that as per arbitration agreement, the applicant was required to seek appointment of Arbitral Tribunal within 6 months from the receipt of intimation from Engineer that the final bill dues to be recovered from the Contractor had been determined for the purpose of payment/adjustment, whichever is latest.

4. Mr. Dheeraj Mahajan, Advocate submits that by way of agreement normal limitation period cannot be curtailed. Any such condition in the agreement is void and contrary to Indian Contract Act, 1872.

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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. Mr. Justice M.M. Kumar, former Chief Justice of J&K High Court, residing at House No. 79, Sector 16-A, Chandigarh, Mobile No. 9888824752 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 29.05.2025 at 10.00 A.M. 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 Mr. Justice M.M. Kumar.

14.05.2025  
manoj

**[JAGMOHAN BANSAL]**  
**JUDGE**

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