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

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ARB-200-2025

Date of Decision: 28.07.2025

Mohinder Singh, Contractor**...Applicant**

Versus

The Chief Engineer/Chief Administrator, GLADA Ludhiana and others**...Respondents****CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL**

Present: - Mr. Nimish Gautam, Advocate
for Mr. Dheeraj Mahajan, Advocate for the applicant

Mr. Ratik Chatrath Kapur, Advocate for the respondents

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 applicant was allotted work by respondent vide allotment letter dated 13.01.2021 (Annexure P-1). A dispute erupted between the parties. There is an arbitration clause in the tender document. The applicant served notice upon the respondent seeking resolution of dispute through Arbitral Tribunal but to no avail.

3. Learned counsel for the respondent expressed his inability to controvert existence of arbitration clause in the tender document and service



of notice. He, however, submits that as per arbitration clause, Superintending Engineer should be appointed as Sole Arbitrator to adjudicate the issues.

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*** 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. Mr. Justice Hemant Gupta, Former Judge of Supreme Court, residing at House No.211, Sector 18, Chandigarh, Mobile No.9780008108 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 learned Arbitrator on 12.08.2025 at 10:00 AM and thereafter, as directed by learned Arbitrator.

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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 Hemant Gupta.

(JAGMOHAN BANSAL)
JUDGE

28.07.2025*Mohit Kumar*

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