



ARB-193-2025 (O&amp;M)

-1-

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

263

ARB-193-2025 (O&amp;M)

Date of Decision: 19.08.2025

M/s Kanak Tollways Buildtech Private Limited

...Applicant

Versus

The Superintending Engineer, Rewari Circle, PWD (B&amp;R) and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: - Mr. Rajveer Singh, Advocate for the applicant  
(*through video conferencing*)

Mr. Suneel Ranga, Deputy Advocate General, Haryana

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

1. Through instant application under Section 11 of the Arbitration and Conciliation Act, 1996 (for short '1996 Act'), the applicant is seeking appointment of an Arbitrator.
2. The applicant was allotted work by the respondent vide allotment letter dated 04.03.2015. Thereafter, an agreement was executed. A dispute erupted between the parties. There is an arbitration clause in Conditions of Contract. The applicant served notice upon the respondent seeking resolution of dispute through Arbitral Tribunal but to no avail.
3. Reply filed by the respondents is taken on record. Registry is directed to tag the same at an appropriate place.



4. Learned State counsel submits that as per Clause 24.1 of Conditions of Contract, the applicant was supposed to make representation before Superintending Engineer and in case of dissatisfaction, he was supposed to go to Court after decision of Superintending Engineer. The work completed in 2018 whereas claim was made in 2024.

5. From the perusal of Clauses 24.1 and 24.2 of Conditions of Contract, it is evident that Clause 24.2 is applicable in the instant case because value of contract was more than ₹2 Crores. For ready reference, Clauses 24.1 and 24.2 are reproduced as below:

*“24. Dispute Redressal System*

*24.1 In case of contract(s) of value lesser than Rs.2 cr., the agency will make an appeal to the Appellant Authority i.e. concerned Superintending Engineer who will decide the issue within 90 days. In case of dissatisfaction on the part of the contractor, he can go to Court after the decision of this appeal or after 90 days in case of no decision from the Appellant Authority.*

*24.2 In case of contract(s) of value more than Rs.2.00 cr. and less than Rs.10.00 cr., the agency will make an appeal to the Appellant Authority i.e. concerned Superintending Engineer who will decide the issue within 90 days. If the contractor is not satisfied with the Appeal, he can go for Arbitration. Adjudication of the dispute shall be done by Sole Arbitrator to be appointed by the Govt. from the list of Arbitrators approved by the Govt.”*

6. The applicant was required to make representation to Superintendent Engineer which he made, however, there was no order of



Superintending Engineer. The applicant was paid partial consideration in 2024, thus, it cannot be concluded that claim is barred by limitation.

7. The issues including questions of limitation and pre-deposit raised by the respondent are required to be adjudicated by Arbitral Tribunal.

8. 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.

9. Mr. Rajesh Garg, Additional District & Sessions Judge (Retd.), residing at House No.626, Sector 16-A, Faridabad, Mobile No.8558873008 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.

10. The parties at the first instance will appear before the Arbitrator on 02.09.2025 at 10:00 AM and thereafter, as directed by learned Arbitrator.

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

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

13. 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.

**ARB-193-2025 (O&M)****-4-**

14. A request letter along with copy of this order be sent to Mr. Rajesh Garg.

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

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

**19.08.2025***Mohit Kumar*

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