



IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

129

CWP-28601-2025

Date of Decision: 30.09.2025

M/S JINDAL KUMAR CONTRACTOR

.....PETITIONER

Vs.

STATE OF HARYANA AND ORS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Shyam Singh Chhokar, Advocate for the petitioner.

Mr. Deepak Vashisth, Advocate for respondent Nos. 1 and 2.

Mr. Ravish Kaushik, Advocate for respondent No.3.

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SUVIR SEHGAL, J. (ORAL)

1. On 24.09.2025, the following order was passed by this Court:-

*“Petitioner is assailing order dated 18.07.2025, Annexure P-24, whereby claim raised by him under work order dated 25.03.2022, Annexure P-6, has been denied.*

*It could not be disputed that an agreement dated 10.05.2022, Annexure P-8, has been entered into the between the parties, which contains an Arbitration Clause. Condition No.14 of the agreement is reproduced hereunder:-*

*“14. In case of any dispute of term of agreement or any other work, the Commissioner, Municipal Yamuna Nagar- Jagadhari will be Arbitrator. Decision made by the Arbitrator will be acceptable to both Municipal Corporation and Service provide(r).”*

*A perusal of the above reproduced clause shows that the Commissioner, Municipal Corporation, Yamunanagar at Jagadhri is to be appointed as an Arbitrator. However, such an appointment has not been approved by the Hon'ble Supreme Court in Perkins Eastman Architects DPC and another Versus HSCC (India) Ltd., (2020) 20 SCC 760.*

*Advance copy of the petition has been served upon the respondents.*

*Mr. Deepak Vashisth, Deputy Advocate General, Haryana has put in appearance on behalf of respondents No.1 and 2 and Mr. Ravish Kaushik, Additional Advocate General,*



*Haryana has put in appearance on behalf of respondent No.3. They request for deferment to get specific instructions for appointment of an independent person as a sole arbitrator to adjudicate the dispute.*

*List on 30.09.2025 ”*

2. Upon instruction from Ajay Kumar, office of Municipal Corporation, Yamuna Nagar, Mr. Ravish Kaushik, Addl. AG, Haryana for respondent No.3 states that the respondent authorities do not have objection in case an independent arbitrator is nominated by this Court to determine the dispute.
3. Accordingly, writ petition is disposed of. Sh. Ravinder Kumar Kaushik, IAS (Retd.), resident of House No.711, Sector 40-A, Chandigarh (2<sup>nd</sup> address: House No.5524, Sector 38-W, Chandigarh), Mobile No.9814001762, is appointed as the sole Arbitrator to adjudicate the dispute between the parties, subject to declaration to be made by him under Section 12 of the Arbitration and Conciliation Act, 1966 with regard to his independence and impartiality.
4. Parties are directed to appear before the Arbitrator on 28.10.2025 at 12:00 A.M. at the address mentioned above or at any other place, time or day to be fixed by the appointed Arbitrator.
5. Arbitrator shall be paid fee in accordance with the Fourth Schedule of the Act, as amended.
6. Needless to mention, all questions arising between the parties in this matter will remain open for determination in the arbitral proceedings and any observation made hereinabove will not be binding on the Arbitrator.
7. Copy of the order be sent to the appointed Arbitrator.

**(SUVIR SEHGAL)**  
**JUDGE**

30.09.2025

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