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

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ARB-102-2025

Date of Decision: 09.09.2025

M/s Zanders Engineers Ltd.

.... Petitioner

Versus

Municipal Corporation, Gurugram and others

..... Respondents

**CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI**

Present: Mr. Gaurav Arora, Advocate  
for the petitioner.

Mr. Sandeep Chhabra, Advocate  
for the respondent.

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**JASGURPREET SINGH PURI, J. (ORAL)**

1. The present petition has been filed under Section 11(6, 7, 8) of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as 'the Act') praying for appointment of an independent Sole Arbitrator to adjudicate the disputes which have arisen between the parties.
2. Learned counsel for the petitioner submitted that there is a valid existing Arbitration Clause i.e. Clause 25(A) of the Contract Agreement which is attached at Page No.36 of the paperbook and as per the Arbitration Clause, the Sole Arbitrator would be a serving officer of the respondent which is otherwise not permissible under the law and there cannot be any unilateral Arbitrator which can be appointed by one of the parties. He further submitted that a notice was served upon the respondent vide Annexure P-5 on 11.09.2024 by invoking the Arbitration Clause but no Arbitrator was appointed by the respondent. Therefore, the present petition has been filed under Section 11 of the Act.



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3. Mr. Sandeep Chhabra, Advocate has caused appearance and filed his Vakalatnama on behalf of the respondents which is taken on record and submitted that the only objection which the Municipal Corporation, Gurugram has that the claim is time-barred.

4. Learned counsel for the petitioner submitted that now it is a settled law that at the reference stage under Section 11 of the Act, the aforesaid plea cannot be taken because the same can always be taken before the Arbitrator during the arbitral proceedings.

5. Learned counsel for the respondents has submitted that the aforesaid legal proposition of law cannot be disputed because now it is a settled law that the plea of time-barred claim can be taken before the Arbitrator and not at the time of reference stage under Section 11 of the Act.

6. Both the learned counsels for the parties have submitted that any independent and impartial Arbitrator may be appointed for adjudication of the claim.

7. In view of the above, the present petition is allowed. Mr. Kulwant Singh Rai (Boparai), Advocate, resident of House No.1139, Sector-71, Mohali, email id. kulwant0096@gmail.com, Mobile No.9814120718, who is on the approved panel of Arbitrators, is nominated as the Sole Arbitrator to adjudicate the dispute between the parties, subject to compliance of statutory provisions including Section 12 of the Act.

11. Parties are directed to appear before the learned Arbitrator on date, time and place to be fixed and communicated by the learned Arbitrator at his convenience.

12. Fee shall be paid to the learned Arbitrator in accordance with the Fourth Schedule of the Arbitration Act, as amended.



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13. Learned Arbitrator is requested to complete the proceedings as per the time limit prescribed under Section 29-A of the Arbitration Act.

14. A request letter alongwith a copy of the order be sent to the learned Arbitrator.

**09.09.2025**

**(JASGURPREET SINGH PURI)**

*Bhumika*

**JUDGE**

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|-------------------------------|--------|
| 1. Whether speaking/reasoned: | Yes/No |
| 2. Whether reportable:        | Yes/No |