



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

275

ARB-420-2024

Date of decision: 05.03.2025

OBEROI CONSTRUCTION CORPORATION ...APPLICANT

Vs.

PUNJAB WATER SUPPLY AND SEWERAGE BOARD AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

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

Mr. Sarthak Gupta, 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. The parties entered into arbitration agreement dated 14.01.2016. 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. Sarthak Gupta, Advocate does not dispute execution of arbitration agreement, however, seeks liberty to raise all issues before Arbitrator.
4. The respondents have appointed Sh. Parul Goyal, Superintending Engineer, Punjab Water Supply and Sewerage Circle, Ludhiana as Arbitrator. The applicant does not agree to said appointment as it is a unilateral appointment. As per judgment of Supreme Court in *Central Organisation for Railway Electrification v. ECI SPIC SMO MCML (JV) A Joint Venture Co.,*



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2024 SCC OnLine SC 3219, the respondents cannot make unilateral appointment. Such appointment is bad in the eye of law. 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 Rajiv Sharma, Former Judge of this Court, residing at House No.505 (Backside First Floor), Sector 36-B, Chandigarh 160036, Mobile No. 9816700002 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. Parties are directed to appear before the learned Arbitrator on date, time and place to be fixed by the Arbitrator at his convenience.

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 Rajiv Sharma (retd.).

05.03.2025
manoj

[JAGMOHAN BANSAL]
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No