



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

**CR-2580-2025 (O&M)**

**Date of Decision:10.09.2025**

Punjab State Power Corporation Limited and another

.....Petitioners

Versus

M/s Shreem Electric Limited

.....Respondent

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

Present:- Mr. M.S. Longia, Advocate for the petitioners.

Mr. Sanjeev Sharma, Senior Advocate (through V.C.) with  
Mr. Vikram Vir Sharda, Advocate for the respondent.

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**JASGURPREET SINGH PURI J.(Oral)**

1. The present revision petition has been filed by the petitioners- Punjab State Power Corporation Limited, Patiala, challenging the order dated 08.11.2024 (Annexure P-6) passed by the learned Arbitrator.

2. Learned counsel appearing on behalf of the petitioner submitted that the petitioner, who was the respondent before the learned Arbitrator, filed an application under Section 16 of the Arbitration and Conciliation Act, 1996, (in short 'the Act') seeking dismissal of the claim on the ground that there had been a joinder of causes of action with respect to six distinct work orders and therefore the claim petition ought to be dismissed. By way of the impugned order, the claimant who is the respondent in the present petition had withdrawn the claim petition with liberty to file fresh independent petition. It was so observed in the



impugned order that the learned counsel for the claimant had sought withdrawal of the claim petition and the counsel for the Corporation who is the petitioner herein had not objected to the same. He submitted that the claimant has also sought liberty to file six separate claim petitions in relation to the separate work orders and thereafter it was so observed by the learned Arbitrator that the main claim petition under Section 23 of the Arbitration and Conciliation Act is disposed of as withdrawn and liberty is granted to the claimant/company to file separate claim petitions in respect of the work orders within a period of two weeks. He also submitted that in this way after the withdrawal of the claim, the learned Arbitrator had no authority to proceed with the arbitration proceedings because the mandate had terminated. He further submitted that there is no provision under the law for granting liberty to the claimant to file a fresh claim before the same arbitrator, as a fresh process for the appointment of an arbitrator was required to be adopted. In this manner, the learned Arbitrator has exceeded his jurisdiction, having become functus officio and his mandate was terminated under Section 32(3) of the Act.

3. Learned Senior Counsel appearing through V.C. on behalf of the respondent submitted that in case the petitioner was aggrieved with regard to the continuation of arbitration proceedings by the learned Arbitrator on the ground that the Arbitrator had lacked jurisdiction to continue, the remedy was available to the petitioner under **Section 16** of the Act, which he has not resorted to and has straight away come to this Court.

4. Learned Senior Counsel for the respondent referred to the specific provisions of Section 16(2) of the Act, which provides that the plea



that the Tribunal does not have jurisdiction shall be raised not later than the submission of the statement of defence and that such a plea can be raised before the learned Arbitral Tribunal, which the petitioner, however, has not done so and has straightaway filed the present revision petition before this Court.

5. After hearing learned counsels for the parties, this Court is of the considered view that, in case the petitioner is aggrieved by the action of the learned Arbitrator for having acted beyond the authority of law, he is always at liberty to move an application under Section 16(2) of the Act, if so desired.

6. The petitioner could not have filed the present revision petition without first exhausting the aforesaid remedy of filing such an application before the learned Arbitrator.

7. In view of the above, the present petition is dismissed, with liberty to the petitioner to move an appropriate application before the learned Arbitrator in accordance with law.

**(JASGURPREET SINGH PURI)**  
**JUDGE**

**10.09.2025**

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No