



Serial No. 01
Supplementary List

HIGH COURT OF MEGHALAYA
AT SHILLONG

Arb.P. No. 3 of 2025

Date of Decision: 27.06.2025

M/s Inderjit Mehta Construction
Private Limited

:::Petitioner

-Vs-

1.Union of India
(Through Military Engineer
Services, Chief Engineer (AF)
Shillong Zone, Shillong)

2.The Engineer-in-Chief,
Military Engineer Services
HQ of Ministry of Defence
(Army), Kashmir House, Rajaji
Marg, New Delhi – 110011

:::Respondents

Coram:

Hon’ble Mr. Justice H. S. Thangkhiew, Judge

Appearance:

For the Petitioner/Appellant(s) : Mrs. P.D.B.Baruah, Sr. Adv. with
Mr. B.A. Wanswett, Adv.

For the Respondent(s) : Dr. N. Mozika, DSGI with
Ms. M. Myrchiang, Adv.



i)	Whether approved for reporting in Law journals etc.:	Yes/No
ii)	Whether approved for publication in press:	Yes/No

Oral:

1. The present petition has been filed under Section 11(5) and 11(6) of the Arbitration and Conciliation Act 1996, read with the appointment of Arbitrators by the High Court of Meghalaya Scheme 2017.

2. On a dispute that has arisen from a contract agreement between the petitioner and the respondents No. 1 and 2, the petitioner as per Clause - 70 of the General Conditions of Contract, IAFW 2249, which is an arbitration clause, whereby provision has been made for reference to a sole arbitrator, had requested the respondents for invocation of Clause – 70. However, on the delay on the part of the respondents, the instant petition has been filed for issuance of appropriate orders from this Court for appointment of a sole Arbitrator.

3. Mrs. P.D.B. Baruah, learned Senior counsel assisted by Mr. B.A. Wanswett, learned counsel for the petitioner has submitted that the respondents having not appointed an Arbitrator from the panel of Arbitrators i.e. panel of the Ministry of Defence and panel of CPWD within 30(thirty) days' have waived their right, which have necessitated the filing



of the instant application under Section 11(5) and 11(6) of the Arbitration and Conciliation Act, 1996. The learned Senior counsel has submitted before the Court a suggested list of the names of 3(three) Arbitrators, who are in the panel of the Ministry of Defence and CPWD, and has further prayed that Shri. Sorabh Mathur, Jt. Dg. (Rtd.) MES, be appointed as the sole Arbitrator.

4. Dr. N. Mozika, learned DSGI for the respondents has also produced a list of empanelled Arbitrators dated 13.04.2023, and further submits that the sole Arbitrator may be appointed from the said list.

5. Heard the learned counsel for the parties. The respondents having not appointed a sole Arbitrator within the stipulated time, by operation of Section 11(5) of the Arbitration and Conciliation Act 1996, the names as suggested by the petitioner is therefore taken into consideration and Serial No. 2 thereof, namely Shri. Sorabh Mathur, Jt. Dg. (Rtd.) MES, A-201, Melodia, Kuber Complex, Gandhi Path, Vaishali Nagar, Jaipur – 302021, is appointed as sole Arbitrator to adjudicate on the issues as provided under Clause – 70 of the General Conditions of Contract.

6. Needless to add the schedule of fees as provided by the Ministry of Defence shall be applicable.



7. As ordered above, the instant application is closed and disposed of.

Judge

Meghalaya
27.06.2025
"D. Thabah-PS"