

**IN THE HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR**

Arb P No. 4/2024

Date of Pronouncement: 26.12.2025

Uploaded on: 27.12.2025

**M/S AKSA SOFTWARE SOLUTIONS PVT.
LTD. TH. ITS DIRECTOR TARIQ AHMAD,
SHAHDAD HOUSE NEAR GURDWARA,
BAGAT BARZULLA, SRINAGAR,
KASHMIR**

...PETITIONER(S)

Through: Mr. Syed Mohtasim, Advocate

Vs.

- 1. UNION OF INDIA, TH. DIRECTOR GENERAL,
(ROAD DEPARTMENT & SPECIAL
SECRETARY) MINISTRY OF ROAD
DEPARTMENTS & HIGHWAYS TRANSPORT
BHAWAN, 1 PARLIAMENT STREET, NEW
DELHI, PIN CODE: 110001;**
- 2. CHAIRMAN, NATIONAL HIGHWAYS
AUTHORITY OF INDIA, MINISTRY OF ROAD
DEPARTMENTS & HIGHWAYS G-5 & 6,
SECTOR 10, DWARKA, NEW DELHI, PIN CODE:
110075;**
- 3. DIRECTOR, (ESTABLISHMENT AND GENERAL)
MINISTRY OF ROAD TRANSPORT AND
HIGHWAYS TRANSPORT BHAWAN, 1
PARLIAMENT STREET, NEW DELHI, PIN
CODE: 110001;**
- 4. CHIEF ENGINEER, MINISTRY OF ROAD
TRANSPORT AND HIGHWAYS TRANSPORT
BHAWAN, ROOM NO. 220, 1, PARLIAMENT
STREET, NEW DELHI, PIN CODE: 110001;**
- 5. JOINT SECRETARY, (EIC), MINISTRY OF
ROAD TRANSPORT AND HIGHWAYS
TRANSPORT BHAWAN, ROOM NO. 520, 1,
PARLIAMENT STREET, NEW DELHI, PIN
CODE: 110001;**
- 6. MR. VIRENDRA SINGH KHAIRA,
SUPERINTENDING ENGINEER MINISTRY OF
ROAD TRANSPORT AND HIGHWAYS**

TRANSPORT BHAWAN, ROOM NO. 520, 1,
PARLIAMENT STREET, NEW DELHI, PIN
CODE: 110001;

7. MANAGING DIRECTOR, NHIDL 3RD FLOOW,
PTI BUILDING, 4 PARLIAMENT STREET, NEW
DELHI, PIN CODE:110001;

...RESPONDENT(S)

Through: Mr. Ilyas Nazir, GA with
Mr. Faheem Shah, GA

CORAM:

HON'BLE MR. JUSTICE SANJEEV KUMAR, JUDGE

JUDGMENT

26.12.2025

1. This is a petition filed by the petitioner under Section 11(6) of the Arbitration & Conciliation Act, 1966, ["the Act"], seeking appointment of an independent Arbitrator.
2. It is submitted that in reference to an order dated 8th May, 2015, the petitioner made an offer for supply of human resources for MORT&H PIU, Srinagar, which offer was accepted by the respondents vide communication dated 8th May, 2015. Pursuant to such acceptance, the petitioner claims to have supplied the manpower as requisitioned in terms of the supply order.
3. The supply of manpower was to be made by the petitioner for a period of 11 months. However, the respondents, vide notice dated 11th January, 2016, issued a notice for termination of the contract prematurely, thereby disabling the petitioner from working out the full term of the contract. The dispute was taken by the petitioner before the Court of learned 3rd Civil Subordinate, Judge (Sub Judge)/Forest Magistrate, at Srinagar, by way of a civil suit titled "*M/S Aksa, Software Solutions Private Limited Vs. Union of India & Ors*".

4. On being put on notice, the respondents herein entered their appearance and, instead of filing a written statement, they filed two applications one for vacation of order and another for dismissal of the suit on the ground that the dispute raised was arbitrable in nature and, therefore, the suit was not maintainable.
5. The objections raised by the respondents to the maintainability of the suit on the ground of availability of an arbitration clause between the parties was accepted by the petitioner herein.
6. In these circumstances, the court below directed the defendant No. 2 in the suit to appoint an Arbitrator for settlement of the dispute within a period of six months from the date of receipt of order. The said order was passed on 18th March, 2019, but the same has not been complied with by the respondents, and no Arbitrator has been appointed.
7. Feeling aggrieved of the inaction on the part of the respondents in complying with the order passed by the civil court dated 18th March, 2019, the petitioner has filed the present petition under Section 11(6) of the Act for seeking appointment of an independent Arbitrator.
8. Learned appearing counsel for the respondents would submit that the petition under Section 11(6) of the Act is not maintainable for the reason that the civil court has already intervened in the matter and directed the respondent No. 2 herein to appoint an Arbitrator to settle the dispute between the parties. That apart it is argued by the learned counsel for the respondents that the claims which the

petitioner seeks adjudication of are stale and barred by limitation and, therefore, no Arbitrator can be appointed.

9. Having heard learned counsel for the petitioner and perused the material on record, I find that the judgment passed by the civil court dated 18th March, 2019, *supra* was required to be implemented by the respondents within a period of six months. The respondents have failed to do so, thereby necessitating indulgence of this Court.

10. For the forgoing reasons, this petition is allowed, and Mr. Aswad Attar, Advocate of this Court is appointed as the sole Arbitrator to arbitrate the disputes between the parties in accordance with the Act. Needles to say that all objections including that the claims are barred by limitation shall be available to the respondents to be raised before the Arbitrator. Upon receipt of a copy of this order from this Court, he shall enter upon reference and proceed to resolve the dispute after putting both the sides to notice, strictly in terms of the Arbitration and Conciliation Act, 1966. He shall fix his fee as per the Fourth Schedule of the Act.

11. The Registry shall convey a copy of this order to the learned Arbitrator appointed herein.

12. Disposed of.

**(SANJEEV KUMAR)
JUDGE**

SRINAGAR:

26.12.2025

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- (i) Whether the order is reportable? Yes/No.
- (ii) Whether the order is speaking? Yes/No.