

**IN THE HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR
(Through Virtual Mode)**

Arb P 33/2025
CM 6203/2025

M/s Manzoor Ahmad and Sons.

...Petitioner.

Through: Mr. Shah Ashiq Hussian, Advocate (through VC).

Vs.

Union of India and Ors

....Respondent(s)

Through: Ms. Rehana Qayoom, Advocate vice
Mr. T. M. Shamsi, DSGI.

**CORAM:
HON'BLE THE CHIEF JUSTICE**

ORDER
05.12.2025

1. The present petition has been filed under Section 11(6) of the Arbitration and Conciliation Act, 1996, seeking appointment of an arbitrator.
2. The petitioner, a registered Contractor, came to be awarded two contracts vide Acceptance of Tender Notices dated 06.1.2024 for supply of food items including fresh Potato, Onion (Dry), Garlic, White Bread, Wheat Meal Bread and Lime Quick for the period 01.04.2024 to 31.03.2025.
3. It is stated that the petitioner commenced supply of goods in accordance with the terms and conditions of the agreements. However, during the currency of the contracts, prices of certain food articles such as Onion, Potato and Garlic escalated, rendering it difficult for the petitioner to supply the goods at the agreed rates. The petitioner, accordingly, requested the respondents to modify or substitute certain articles in order to overcome his hardship but the request was not acceded to.
4. It is further stated that the respondents instead redressing the grievances of the petitioner, rescinded/cancelled the contracts in terms of

order dated 03.02.2025 and also forfeited the security deposit furnished by the petitioner.

3. Pursuant to the notice issued by this Court, the respondents though caused appearance but no reply/ response has been filed on their behalf.

4. The existence of the arbitration clause, as aforesaid, and its invocation by the petitioner is not disputed.

5. Thus, in the given circumstances, learned counsel for the respondents, as always, fairly submits that let an arbitrator be appointed. But since the claim that is sought to be made by the petitioner is vehemently disputed/ denied, it is submitted that respondent be granted liberty to raise all possible pleas/ objections before the arbitral tribunal/ arbitrator in this regard.

6. Accordingly, in the wake of the position sketched out above and in terms of the statements made by the learned counsel for the parties, the petition is allowed. And, with consent of learned counsel for the parties, Mr. Justice Tashi Rabstan, Retired Chief Justice of High Court of Jammu and Kashmir & Ladakh, residing at Plot No.2, Lane No.13, Tawhi Vihar, Sidhra, Jammu-180019, Mobile No.9419266111, is appointed as the sole arbitrator. Who shall proceed with the matter in accordance with the provisions of the Act. And to make an award within the time provided in the Act itself after charging the prescribed fee along with incidental expenses to be shared by the parties. The respondents are at liberty to raise all the objections as regards the subject matter before the learned Arbitrator.

7. Registry to send a copy of this order to the learned arbitrator.

(ARUN PALLI)
CHIEF JUSTICE

Jammu
05.12.2025
Abdul Qayoom, Secy.