

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU**

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Arb P No. 63/2025

M/s Wani and Company Appellant(s)/Petitioner(s)

Through: Mr. Vikas Mangotra, Adv.

vs

Union of India and another Respondent(s)

Through: Mr. Vishal Sharma, DSGI with
Mr. Eishan Dadhichi, CGSC

Coram: HON'BLE MR. JUSTICE RAJNESH OSWAL, JUDGE

ORDER
17.02.2026

Oral:

1. This petition has been filed under Sections 14 and 15 of the Arbitration and Conciliation Act, 1996 (for short 'the Act') for terminating the mandate of the sole Arbitrator, Mr. Satish Chander, ADG (Retd.) MES, appointed in Arb. P. No. 3/2022 vide order dated 19.05.2023 and for appointment of a substitute/independent sole Arbitrator in his place.
2. Besides laying the factual foundation leading to the appointment of arbitrator, it is contended by the petitioner that he was not aware of appointment of Mr. Satish Chander, as new arbitrator, given the fact that on 05.06.1018, his wife had passed away due to which the petitioner suffered stroke and remained admitted in Narayana Hospital for a month. Further, during COVID-19 pandemic, he met with a tragedy of death of his elder son.

3. It is stated that it was only in the month of December, 2024, the petitioner came to know about the appointment of Mr. Satish Chander as new Arbitrator in the matter and the petitioner immediately approached the Arbitrator and requested him to allow him to participate in the proceedings and also to provide one set of arbitration record, so that he is able to prosecute his claim in the arbitration proceedings. The Arbitrator allowed the petitioner to participate in the proceedings. Accordingly, pursuant to the directions issued by the learned Arbitrator in the month of March, 2025, the complete set of the pleadings was provided to the petitioner.
4. It is contended that in the order dated 10.02.2025, the Arbitrator has mentioned that both the parties have consented for the extension of the time for completing the arbitration proceedings, whereas the fact remains that no such consent was ever obtained from the petitioner for extension of time for completing the arbitration proceedings. Moreover, on the direction of the Arbitrator, the respondents on 15.03.2025, filed an application bearing CM No. 3577/2025 before this Court seeking extension of time, wherein notice was issued.
5. The petitioner subsequently discovered that the Arbitrator had initiated fresh proceedings while completely ignoring the petitioner's existing claims. Instead, the Arbitrator was adjudicating solely upon the respondents' counter-claims as if they were original claims, demonstrating a clear pre-determination to pass an award against the petitioner.
6. The petitioner challenges the Arbitrator's independence on the grounds of his close association with the respondents. Specifically, the Arbitrator operates out of the respondents' offices and remains administratively dependent on their personnel, compromising his neutrality.

7. Upon being put to notice, the respondents appeared through Mr. Vishal Sharma, learned DSGI. The learned DSGI submitted that the respondents elect to contest the present petition without filing a formal counter-affidavit/response.
8. Mr. Vikas Mangotra, learned counsel for the petitioner, submitted that the Arbitrator's conduct has been partisan since the inception of the proceedings. He noted that although the petitioner is the claimant, the Arbitrator has improperly designated him as the respondent. Furthermore, counsel contended that as the Arbitrator relies exclusively on the respondents for administrative assistance, he lacks the requisite independence, a fact evidenced by his conduct of the proceedings. Consequently, this petition was filed in July 2025, once the Arbitrator's bias became irrefragably clear to the petitioner.
9. Mr. Vishal Sharma, learned DSGI, submitted that the present petition is misconceived, particularly in light of the petitioner's failure to comply with Sections 12 and 13 of the Act. He contended that the petitioner approached this Court for the removal of the Arbitrator without adhering to the mandate of Section 13(2). Furthermore, as the Arbitrator has already rendered an award on 09.12.2025, the petition has rendered itself infructuous and deserves to be dismissed.
10. Heard and perused the record.
11. It is undisputed that by way of the order dated 14.11.2025, passed in CM No. 3577/2025, the Hon'ble Chief Justice extended the Arbitrator's mandate for one month. While Mr. Mangotra contended that the petitioner was never served and thus denied an opportunity to be heard, this

argument does not advance the petitioner's case, especially as the said order has attained finality.

12. Learned counsels appearing for the parties have admitted that there was no procedure agreed upon between the parties for challenging an arbitrator in terms of section 13 (1) of the Act and section 13(2) of the Act would determine the fate of the present petition.
13. Responding to a query from the Court, Mr. Vikas Mangotra, learned counsel for the petitioner, clarified that although steps were being taken to follow the procedure under Section 13(2), the petitioner approached this Court directly. He justified this departure from the statutory mandate by stating that the Arbitrator was on the verge of passing an award, necessitating immediate intervention by this court.
14. Although the petitioner, by way of CM No. 8038/2025, submitted that the Arbitrator was notified via emails on 23.07.2025 and 24.07.2025 regarding the Union of India's application for an extension of time, such notifications do not constitute compliance with Section 13(2) of the Act. That provision mandates that a party intending to challenge an arbitrator must, within fifteen days of becoming aware of the tribunal's constitution or the circumstances mentioned in Section 12(3), send a written statement of the reasons for the challenge to the tribunal. Compliance with Section 13(2) provides the Arbitrator an opportunity to withdraw from office, a procedure that was not followed in the present case.
15. The petitioner has placed on record through the medium of CM No. 8225/2025, email regarding the notice of making a publication of award dated 09.12.2025. A perusal of e-mail reveals that the final award has been sent to respondents through post but as address of the petitioner was

incomplete, so the same could not be sent to the petitioner and the petitioner was left free to collect the copy of the award or intimate the complete postal address to enable the Arbitrator to dispatch the signed copy of the award.

16. At this stage, the Court enquired of Mr. Vikas Mangotra, learned counsel for the petitioner, whether the petitioner had collected the award or provided a complete postal address to the Arbitrator following the email dated 09.12.2025. Mr. Mangotra candidly submitted that, as the petitioner was pursuing the present petition and was confident of its merits, he neither collected the award nor communicated his postal address to the Arbitrator.
17. Be that as it may, as the petitioner has not followed the mandate of section 13(2) of the Act, this Court is of the considered opinion that the petitioner has failed to make out any case for indulgence by this Court. At this stage, learned counsel for the petitioner sought and is granted fifteen days to provide a complete postal address to the learned Arbitrator, to facilitate the dispatch of the award, enabling the petitioner to pursue any appropriate legal remedy, should he intend to do so.

(RAJNESH OSWAL)
JUDGE

Jammu
17.02.2026
Rakesh PS