

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

CJ Court

Case: Arb P No. 81/2025

M/s Akhtar Hussain Lone

...Petitioner(s)/Appellant(s)

Through: Mr. Sumant Sudan, Advocate.

V/s

Chenab Valley Power Projects Pvt. Ltd.

.... Respondent(s)

Through: Mr. Nitin Parihar, Advocate.

CORAM: HON'BLE THE CHIEF JUSTICE

ORDER
13.02.2026

(ORAL)

01. The present petition has been filed under Section 11(6) of the *Arbitration and Conciliation Act, 1996* (for short '**the Act**') for appointment of an independent Arbitrator.

02. The petitioner, a proprietorship concern, in response to the notice inviting NIT, issued by the respondent vide No. CVPP/KWAR/MANAGER (CIVIL)/NIT-02/2017-18/16 dated 18.11.2017, for the work of "**Construction of Main project Road from RD 1000 m to RD 1995 m of total length 995 m for KWAR H.E. Project, Kishtwar (package-II)**", the bid of the petitioner was accepted and the contract was awarded vide Award (Order) No. CVPP/KWAR/SM(P&C)/2018-19/02 dated 12.04.2018 at an estimated cost of ₹ 1,61,95,478.00. The petitioner completed the awarded work besides completing the additional works as directed by the concerned officers and site engineers, duly recorded in the Measurement Book. However, the completion certificate was not issued in favour of the petitioner as also the actual amount for the work done was not paid to the petitioner. On raising objections and making several requests for reconsidering the classification of the different items as well as for the additional

work, the petitioner was made to pursue the officers of CVPP (Chenab Valley Power Projects (P) Limited) for an extended period of two years. And, in April 2022, on asking by the respondents to sign the Measurement Book (MB), the petitioner after finding arbitrariness, signed the said MB under protest appending a note that ***“earth work measurements and revised classifications with WMB Grade-II as well as bills not Accepted.”*** Due to nonfeasance, the petitioner filed an application under RTI and, in response thereto, was provided with a copy of LOA, R/A Bills of executed work and Measurement Book. It is further submitted that on learning the discrepancies and arbitrariness in the measurements and calculation of the amount of work done, the petitioner invoked the amicable settlement clause under the General Conditions of Contract (GCC) and approached the CVPP officials in November 2022. Besides, assurance offered by the respondents, no settlement occurred, the petitioner issued a notice dated April 03, 2025 invoking Clause 55.1 of the GCC for arbitration requesting to appoint an independent arbitrator depicting therein the details of the claims as also the amount raised along with the interest @ 18% per annum. In response thereto, respondents vide letter dated April 28, 2025, required the petitioner to submit documents in support of his claim for Amicable Settlement. It is further averred that despite the petitioner provided all the requisite claims on May 07, 2025 and a reminder on June 14, 2025, the disputes remained unresolved. Hence the present petition.

03. Pursuant to the notice issued by this Court on October 10, 2025, Mr. Nitin Parihar, learned counsel cause appearance on behalf of the respondent and filed statement of facts. Wherein it is stated that the respondent do not find any valid or logical ground to oppose the appointment of an arbitrator as also after exhausting the amicable settlement process envisaged under Clause 55.1.1 of the

GCC, in terms of the contractual provisions, the proceedings can be initiated for appointment of an arbitrator.

04. Additionally, Mr. Vinod Sharma, Chief Engg. (Retd.) and Mr. Kanwar Singh, Arbitrator on panel of CVPP, have been nominated on behalf of the parties, to be appointed as two Arbitrators constituting the Arbitral Tribunal.

05. 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, the Arbitral Tribunal comprising of the following members is hereby appointed:

- A) **Hon'ble Mr. Justice Tashi Rabstan, Former Chief Justice of High Court of J&K and Ladakh, R/o Plot No.2 Lane No.13, Tawi Vihar, Sidhra Jammu as Presiding Arbitrator;**
- B) **Mr. Vinod Sharma, Chief Engineer (Retd.) R/o House No. 42, Sector 01-A Trikuta Nagar, Jammu Mobile No.9419180988 as an Arbitrator.**
- C) **Mr. Kanwar Singh, J-73, Jalvidyut Apartments, Sector-21C, Faridabad, Pin 121001, Mobile No. 9810519883 as an Arbitrator.**

The Arbitral Tribunal 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.

06. Registry to send a copy of this order to the learned Presiding Arbitrator as also the Arbitrators.

07. Disposed of.

(ARUN PALLI)
CHIEF JUSTICE

Jammu
13.02.2026
Sunita