Serial No. 9

HIGH COURT OF JAMMU & KASHMIR AND LADAKH AT JAMMU

Arb P No. 82/2025

T A Infra Projects Ltd. Th. Ravinder Kumar Sharma ….. Appellant(s)/Petitioner(s)

Through: Mr. Prithvi Raj Drora, Advocate

vs

Commissioner Secretary, Jal Shakti Department and ors. ….. Respondent(s)

Through: Mrs. Monika Kohli, Sr. AAG

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

ORDER

06.03.2026

1. This is an application filed by the applicant/petitioner-Company under Section 11(6) of the Arbitration and Conciliation Act, 1996 for appointment of Arbitrator on account of dispute arisen between the parties, out of the contract dated 28.02.2013, entered into between the petitioner and respondent No. 4.

2. The respondents have filed response, stating therein that there was fundamental breach of the contract on the part of the petitioner and that it has suppressed the material facts from the Court. It is further contended by the respondents that the petitioner has already waived its right to claim damages from the respondents and further the claims are time barred.

3. Heard learned counsel for the parties and perused the record.

4. The record depicts that the agreement dated 28.02.2013 was entered into between the petitioner and respondent No. 4 for providing water supply of 07 MLD for Kishtwar Town from Naigadh Source comprising of various components on turnkey basis.

5. It appears that some dispute has arisen between the parties as averred in Para '3' of the application. Though the respondents have filed response but Mrs. Monika Kohli, learned Senior AAG has very fairly submitted that the respondents would take all the pleas/defences available to them, as raised in their response qua the merits of the claim of the petitioner, before the learned Arbitrator.

6. In view of the fact that the parties have admitted the agreement and also the Arbitration Clause bearing No. 20.6 of the agreement, I am of the considered view that the Arbitrator is required to be appointed to settle the dispute.

7. In view of the above, I appoint Mr. Justice Tashi Rabstan, Former Chief Justice of High Court of Jammu and Kashmir and Ladakh, residing at Plot No. 2, Lane No. 13, Tawi Vihar, Sidhra, Jammu-180019 as presiding Arbitrator, who shall proceed in the matter in accordance with the provisions of the Act. The Arbitrator shall, therefore, after hearing both the parties, 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.

8. Registry to inform the above named Arbitrator about his appointment as an Arbitrator in this matter.

9. The application, is, accordingly, **disposed of.**

(RAJNESH OSWAL)
JUDGE

Jammu
06.03.2026
Neha-II