

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

Arb P No.10/2026

M/s Amin Construction Company

...Petitioner(s).

Through: Mr. Luqman S. Dar, Advocate, with
Mr. Javaid Ahmad, Advocate.

Vs.

State (Now UT) of J and K and others.

....Respondent(s)

Through: Mr. Illyas Nazir Laway, GA.

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

ORDER
18.09.2026

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 claiming to be the registered contractor/ firm participated in e-tendering process initiated by the respondents vide NIT No.02 of R&B Division Sopore/2018-19 dated 16.04.2018 for the work ***“Design and Construction of intermediate lane 150 meters long 3 X 50 m Truss Girder Bridge over river Jhelum at Gurseer Jagir, Sopore on EPC mode.”*** The petitioner having participated in the tendering process was declared lowest bidder and was, accordingly, allotted the work vide letter dated 08.09.2018 and subsequently agreement no.59 dated 03.11.2018 was executed *inter-se* parties. It is stated that though substantial part of the work stands executed, however, the work could not be concluded on account of disputes arisen *inter-se* parties. The petitioner, accordingly, invoked arbitration clause 24 and 25 contained in the conditions of NIT and SBD and issued legal notice dated 07.04.2026 in terms of Section 21 of the Arbitration and Conciliation Act to the respondents seeking appointment of an arbitrator in the matter. In response to the legal notice, the respondent no.1 issued letter dated 10.04.2026 requiring the applicant to submit a fresh

revalidated bank guarantee. The petitioner replied the said communication, however, the respondent no.4 issued show cause notice dated 20.04.2026 to the petitioner threatening resumption of the work. Accordingly, the petitioner sought indulgence of the Court under Section 9 of the Arbitration and Conciliation Act. It is further submitted that since the respondents have failed to appoint an arbitrator in the matter, hence the present petition is filed seeking appointment of an independent arbitral tribunal in terms of the arbitration agreement.

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 respondent, 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. Ramesh Kumar Wattal, Retired District and Sessions Judge, 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 respondent is 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.

(DR. PUSHPENDRA SINGH BHATI)
CHIEF JUSTICE

Srinagar
18.09.2026
Abdul Qayoom, Secy.