

IN THE HIGH COURT OF HIMACHAL PRADESH AT SHIMLA

Arb. Case No. 96 of 2025
Decided on : 21.08.2026

M/s UTRI HR Services Private Limited

...Petitioner

Versus

Himachal Pradesh State Electricity Board Ltd. and another

...Respondents

Coram

The Hon'ble Mr. Justice G.S. Sandhawalia, Chief Justice.

Whether approved for reporting?¹

For the petitioner : M/s Rajiv Rai and Rajni Gandhi,
Advocates.

For the respondents : Mr. Sourabh Chand, Advocate, for
Ms. Vandana Misra, Advocate.

G.S. Sandhawalia, Chief Justice (Oral)

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 Arbitrator, in terms of Clause 44.3 of the Contract dated 13.05.2018, executed between the parties, for the construction of 33/11 KV, unmanned sub-station Goela, District Solan, H.P.

2. Counsel for the petitioner submitted that the notice as such, commencing arbitration was sent on 05.02.2025 (Annexure P-8) to this extent proposing the name of an Arbitrator on account of the Arbitration Clause prevalent. It is further submitted that under Clause 44 of the Agreement, settlement of

¹ Whether reporters of the local papers may be allowed to see the judgment?

disputes has to be done by way of arbitration. Resultantly, the present petition was filed on account of service of the notice.

3. Reply to the petition has been filed, which would go on to show that there is no dispute qua the Arbitration Clause and the only issue is that the petition is time barred as the trigger date is stated to have been taken place in the year 2020 and the petition had been filed after five years.

4. Counsel for the petitioner submits that the matter is required to be considered by an Arbitrator as such, keeping in view the fact that the Completion Certificate was issued on 25.01.2021 and prior to that, notice had been served on 10.12.2020, by saying that there is calculation error in the scope of erection of Control and LT Power Cables and the respondents instead of acting on the same, the work had been further granted in extension of the earlier order.

5. Keeping in view the above, this Court is of the considered opinion that once the parties had agreed to the mode of settlement by way of arbitration, the present petition deserves to be allowed, by appointing an Arbitrator, who will look into the said dispute.

6. Accordingly, the present petition is allowed and Mr. Atul Jhingan, Advocate is appointed as Arbitrator to adjudicate the dispute between the parties. After his disclosure in writing is

obtained in terms of Section 11(8) of the Act and only after receipt thereof, his appointment, as an Arbitrator, shall come into force.

7. On his giving consent to arbitrate the dispute between the parties as an Arbitrator, Mr. Atul Jhingan, Arbitrator-cum-Advocate, shall enter into reference and pass an award in accordance with law.

8. Copy of this order be furnished to the learned counsel for the parties as also to the learned Arbitrator. The learned Arbitrator so appointed, shall be entitled to fee as per stipulation contained in 4th Schedule appended to the Arbitration and Conciliation Act, 1996.

9. Mr. Atul Jhingan, Arbitrator-cum-Advocate, who is present in the Court, is requested to conclude the proceedings at the earliest, keeping in view the delay which has already occurred.

10. It is further directed that the Arbitrator after the proceedings are concluded, shall send the record to the Registrar (Judicial) for keeping the same in safe custody, since the challenge is liable to be raised under the provisions of the Arbitration Act to the award in question and it would be in the interest of justice to preserve the record, whereby the Arbitrator as such has been appointed by this Court.

11. Accordingly, the petition is disposed of, so also the pending applications, if any.

(G.S. Sandhawalia)
Chief Justice

August 21, 2026
(Shivank Thakur)