

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

**Arb. Case No.687 of 2024
Date of Decision: 22.05.2026**

H.P. State Forest Development Corporation Limited **....Petitioner**

Versus

Yadvinder Singh **....Respondent**

Coram

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

Whether approved for reporting?¹

For the Petitioner : Ms. Kiran Dhiman, Advocate.

For the Respondent : Mr. H.S. Rangra, 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 appointment of an Arbitrator, in view of the agreement dated 06.05.2006.

2. Counsel for the petitioner has pointed out that the dispute pertains to Lot No.2/2006-10 (GHNP Seraj) 2/18 "Bunga" under Forest working Division Kullu, Himachal Pradesh. The allotment of the said lot was cancelled on

¹ Whether reporters of Local Papers may be allowed to see the judgment?

15.01.2014 due to loss suffered of Rs.1,28,48,641/- as per Clause 27 of the agreement deed.

3. Thereafter, the matter was referred to the Arbitrator and the Director (Central), Himachal Pradesh State Forest Development Corporation Limited, Mandi was appointed as an Arbitrator on 14.09.2016 (**Annexure P-7**). Resultantly, the claim petition was filed on 26.11.2026 for recovery of an amount of Rs.1,28,48,641/-.

4. It is submitted that the Arbitrator is now ineligible to continue as an Arbitrator, in view of the law laid down by the Apex Court in ***Perkins Eastman Architect DPC and Anr. v. HSCC (India) Ltd., AIR 2020 SC 59.***

5. It has been averred that the said Arbitrator had recused as such vide his communication dated 25.04.2024 (**Annexure P-9**), which has led to the filing of the present petition.

6. In the reply filed by the respondent, the appointment of the Arbitrator has been opposed on the ground that all the witnesses have been duly examined before the Arbitrator, and therefore, the application is liable to be dismissed.

7. This Court is of the considered opinion that the matter is to be considered by an Arbitrator and the issue of limitation as such would have to be considered in nutshell. Apparently, *prima facie* case has to be seen as the allotment had been cancelled in the year 2014 and the claim petition had been filed in the year 2016 and there is no such tenable reasons not to refer the matter to the Arbitrator, once earlier proceedings were at an advanced stage.

8. Resultantly, the application is allowed and Hon'ble Mr. Justice Satyen Vaidya, former Judge of this High Court (Mobile No.98160-08393) is appointed as an 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.

9. On his giving consent to arbitrate the dispute between the parties as an Arbitrator, Hon'ble Mr. Justice Satyen Vaidya, former Judge shall enter into reference, and shall pass an award in accordance with law.

10. Copy of this order be furnished to the learned counsel for the parties and also be furnished 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.

11. Accordingly, the application is disposed of alongwith pending miscellaneous application(s), if any.

(G.S. Sandhawalia)
Chief Justice

22nd May, 2026
(Munish Thakur)