

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA.**Arbitration Case No. 395 of 2025****Date of decision: 18.09.2026**

M/s Chaudhary Associates	...Petitioner
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Versus

Chief Engineer & Ors.	...Respondents
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The Hon'ble Mr. Justice G. S. Sandhawalia, Chief Justice.*Whether approved for reporting?***For the Petitioner :** Mr. V. S. Chauhan, Senior Advocate with
Mr. Arsh Chauhan, Advocate.**For the Respondents:** Mr. Navlesh Verma, Additional Advocate
General.

G. S. Sandhawalia, Chief Justice (Oral)

The present petition has been filed under Section 11 of the Arbitration and Conciliation Act, 1996 (for short '*the Act*') for appointment of an Arbitrator, for the work of strengthening including improvement of road safety (SH:- C/O R/wall Parapets, W-Beam Crash Barrirs and Edge Walls, Road signages) in Km 337/00 to Km 356/455 and Km. 360/890 to 368/00 on NH-22 (New NH-05) in the State of H.P. on Engineering, Procurement and Construction) mode.

2. As per Clause 26.3 of the Agreement (Annexure P-7), proceedings had been initiated for appointment of an Arbitrator on 08.10.2025 (Annexure P-8) and names of three Arbitrators as such have been proposed, leading to the filing of the present petition.

3. Reply has been filed by the respondents, wherein it has been mentioned that the petitioner has failed to exhaust the necessary pre-arbitral dispute resolution mechanism contractually agreed upon by the parties. It has been also mentioned that the claim of the petitioner on account of GST and price escalation is ex-facie time barred, as the Contractor had been paid final payments vide letter dated 06.10.2022 and 26.11.2022.

4. Learned counsel for the petitioner has referred to letter dated 06.10.2022 (Annexure P-2), addressed to the Executive Engineer, NH Division HPPWD, seeking appointment of a Conciliator and vide letter dated 26.12.2022 (Annexure P-3), the Executive Engineer sought suggestion of name as such from the petitioner and vide letter dated 14.02.2023 (Annexure P-4), name of Mr. Raj Pal, was suggested by the petitioner as a Conciliator. Thereafter, a meeting was held on 06.05.2023 (Annexure P-5), wherein the demand of the parties as such was partly accepted. Resultantly, letter dated 29.04.2024 had been written to the Chief Engineer (NH) HPPWD, Shimla, to initiate further action in the matter. Thus, the present petition has been filed.

5. In such circumstances, the Court is of the considered opinion that since an effort was made to settle the issue at an earlier stage, the present petition is allowed and Mr. Tejinder Singh Dhindsa, J. (Retd.), Mob. No. 78730-49208, 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.

6. On his giving consent to arbitrate the dispute between the parties as an Arbitrator, Mr. Tejinder Singh Dhindsa, J. (Retd.), Mob. No. 78730-49208, shall enter into reference, and pass an award in accordance with law.

7. 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.

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

(G. S. Sandhawalia)
Chief Justice

18th September, 2026_(sanjeev)