



ARB-489-2024

-1-

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

105

ARB-489-2024

Date of decision: 13.11.2024

TARSEM LAL SAINI

....APPLICANT

Vs.

UNION OF INDIA AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Puran Singh Rana, Advocate
for the applicant.

Mr. Vijay Pal, Advocate
for the respondents.

JAGMOHAN BANSAL, J (ORAL)

1. Through instant application under Section 11(6) of the Arbitration and Conciliation Act, 1996 (for short '1996 Act'), the applicant is seeking appointment of an Arbitrator.
2. Pursuant to tender, the applicant was allotted work vide work order dated 04.03.2021 (Annexure A/2) by the respondents. A dispute erupted between the parties. There is an arbitration clause in the Contract Agreement. The allotment of work, arbitration clause in the Contract Agreement and service of notice under Section 21 of 1996 Act is not disputed.
3. Mr. Vijay Pal, Advocate submits that respondents are not averse to appointment of an Arbitrator to resolve the issue, however, respondents are seeking no objection of applicant to make appointment because appointment has to be made by respondents.



ARB-489-2024

-2-

4. In view of recent judgment of Five Judges Bench of Supreme Court in '*Central Organisation for Railway Electrification v. ECI SPIC SMO MCML (JV) A Joint Venture Co.*', 2024 SCC OnLine SC 3219, the respondents cannot make unilateral appointment.

5. On being confronted with abovesaid judgment of Supreme Court, counsel for the respondents expressed his inability to controvert the applicability of the said judgment to the facts of the present case.

6. Conditions to invoke power conferred by Section 11(6) of 1996 Act stand satisfied, thus, I hereby appoint a sole Arbitrator to adjudicate the dispute between the parties.

7. Ms. Justice Nirmaljit Kaur, Former Judge of this Court, residing at House No.188, Sector 11-A, Chandigarh, Mobile No.9610478000 is hereby appointed as a Sole Arbitrator to adjudicate the dispute between the parties, subject to compliance of statutory requirements. The learned Arbitrator is requested to comply with mandate of Section 12 of 1996 Act before proceeding further.

8. Parties are directed to appear before the learned Arbitrator on date, time and place to be fixed by the Arbitrator at her convenience.

9. The Arbitrator shall be paid fee in accordance with the Fourth Schedule of the Act, as amended.

10. The Arbitrator is requested to complete the proceedings as per time limit specified under Section 29-A of the 1996 Act.



ARB-489-2024 -3-

11. Needless to mention, parties would be at liberty to raise all the claims/defences/counter claims/pleas before the Arbitrator. Any observation made hereinabove will not be binding on the learned Arbitrator.

12. A request letter along with copy of this order be sent to Ms. Justice Nirmaljit Kaur.

13.11.2024
manoj

[JAGMOHAN BANSAL]
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No