Sr. No. 1

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

CJ Court

Case: Arb P No.14/2025

M/s Bhatia Builders & Contractors. …Petitioner(s)/Appellant(s)

Through: Mr. Arjun Bhatia, Advocate.

V/s

Union of India and ors. …. Respondent(s)

Through: Mr.Vishal Sharma,Sr. Advocate (DSGI) with
Mr.Sumant Sudan, Assisting Counsel.

CORAM: HON'BLE THE CHIEF JUSTICE

ORDER
19.12.2025

01. The present petition has been filed by the petitioner under Section 11 of the Arbitration and Conciliation Act, 1996, (for short '**the Act**') seeking appointment of an independent Arbitrator.

02. The petitioner, was awarded a contract for construction of 3 X ESH and allied infrastructure at Lamayaru as detailed in tender and 180936/58/E8 dated August 06, 2013 vide letter No. 180936/65/E8 dated September 13, 2013 by Chief Engineer (Accepting Officer) Leh Zone. The said contract was containing condition 70 of IAFW-2249 (General Conditions of Contract) which provided for arbitration clause. Vide letter No. BBC/SZ-30/TUE dated November 28, 2023, petitioner informed the Accepting Officer about the dispute that arose as regard the certain unresolved claims annexing the details of the such claims wherein, it was mentioned that final bill pertaining to undisputed portion (Part-A) be processed,and, further for making payment of disputed portion (Part-B), the same be referred to Arbitral Tribunal to be constituted by Appointing authority naming Engineer-in-Chief. The petitioner vide letter dated January 03, 2024 addressed to the Chief Engineer Leh Zone requested for appointment of an arbitrator in accordance with condition 70 of GCC-IAFW-2249.

01. Respondents, in response,in terms of letter dated February 26, 2024 intimated that per GCC-70 of IAFW-2249 (Arbitration agreement), any party to the contract agreement had to address their letter to Engineer-in-Chief for request for appointment of Arbitrator since E-in-C is the Appointing Authority, which

requisite formality the petitioner fulfilled vide letter dated March 07, 2024 but same remained unanswered. It is submitted that vide letter dated June 15, 2024 the petitioner was requested to sign the agreement to appoint an arbitrator and forward three signed copies of agreement. The said requisite copies were furnished vide letter dated June 18, 2024 by the petitioner. It is submitted that despite letter dated June 18, 2024, and also completing the requisite formalities the respondents have not redressed the grievance of the petitioner. However, the respondents have failed to respond the same, leaving the petitioner with no option but to approach this Court by filing the petition at hand.

02. Pursuant to the notice issued by this Court on dated February 21, 2025, the respondents had caused appearance and sought time to file response. Till date no response has been filed by the respondents.

05. Thus, having argued the matter at some length and 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. In the given facts and circumstances, coupled with statement made at the Bar by learned counsel for the respondents, the petition, in so far as appointment of arbitrator in terms of Section 11 of the Act is allowed. Accordingly, with consent of learned counsel for the parties, **Mr. Arvind Kumar Arora, Retd. DG Pers, B-333, Chitranjan Park, New Delhi-110019, Mobile No. 8130588577**, 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.

7. Registry to send a copy of this order to the learned arbitrator.

(ARUN PALLI)
CHIEF JUSTICE

Jammu
19.12.2025
Sunita/Secy.

SUNITA KOUL
2025.12.24 12:28
I attest to the accuracy and
integrity of this document