

ARB-47-2024

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

ARB-47-2024

Date of Decision: 28.07.2025

M/s Ceigall India Limited

..... Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

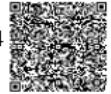
Present: Mr. Karan Singh, Advocate for
Mr. Parveen Moudgill, Advocate
for the petitioner.

Mr. Somesh Arora, Addl. AG, Punjab.

JASGURPREET SINGH PURI, J. (ORAL)

1. The present petition has been filed under Section 11(6)(a) of the Arbitration and Conciliation Act, 1996 (herein after referred to as 'the Act') praying for appointment of an independent Arbitrator to adjudicate the disputes and differences which have arisen between the parties pertaining to an agreement entered into between the parties regarding construction of High Level Bridge over river Satluj in District Rupnagar and single span bridge over Bist-Doab Canal Near Village Panyali in District SBS Nagar (Nawanshahr) including approaches of both the bridges enroute to new road project from Bela to Panyali in the State of Punjab.

2. Learned counsel for the petitioner submitted that there is a valid agreement between the parties vide Annexure P-6 in which there exists an Arbitration Clause i.e. Clause 25 and as per Clause 25(v)(c) which pertains to the contracts of the value of more than ₹15 crore, the procedure has been

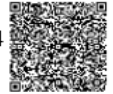
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prescribed under the aforesaid clause and submitted that the procedure has already been complied with by the petitioner but the respondents have failed to appoint any Arbitrator in this regard and therefore, the present petition has been filed. He also submitted that even otherwise also as per the aforesaid clause regarding appointment of the Arbitral Tribunal, the same shall consist of three members, out of which two of them should be the members, who are the employees of the State and third one should be a non-official member to be chosen from the panel of members supplied by employer. He submitted that in view of Section 12 of the Act they being interested persons cannot be appointed as Arbitrators and therefore, any other independent Arbitrator may be appointed. He also referred to a letter dated 04.01.2023 (Annexure P-13) and also a letter dated 07.06.2023 (Annexure P-16) and submitted that the procedure prescribed under Clause 25 was invoked but the respondents have failed to comply with the same.

3. Mr. Somesh Arora, learned Additional Advocate General, Punjab has submitted that considering the designation of the members of Arbitral Tribunal as contained in Arbitration Clause the provision of Section 12 of the Act will certainly be applicable and therefore, the State has no objection to the appointment of any independent Arbitrator by this Court.

4. In view of the above, the present petition is allowed. Mr. Justice (Retd.) B.S. Walia, a former Judge of this Court, residence of House No.1143, Sector-8C, Chandigarh, Mobile No.9814006691, waliabs@gmail.com, is nominated as the Sole Arbitrator to adjudicate the dispute between the parties, subject to compliance of statutory provisions.

5. Parties are directed to appear before the learned Arbitrator on date, time and place to be fixed and communicated by the learned Arbitrator

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at his convenience.

6. Learned Arbitrator is also requested to complete the proceedings as per the time limit prescribed under Section 29-A of the Act.

7. A request letter alongwith a copy of the order be sent to Mr. Justice (Retd.) B.S. Walia, a former Judge of this Court.

28.07.2025*Bhumika***(JASGURPREET SINGH PURI)
JUDGE**

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| 1. Whether speaking/reasoned: | Yes/No |
| 2. Whether reportable: | Yes/No |