



ARB-106-2025

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

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ARB-106-2025

Date of decision: 03.03.2025

M/S GAUTAM BUILDERS

...APPLICANT

Vs.

UNION OF INDIA AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Prince Goyal, Advocate
for the applicant.

Ms. Ruchita Garg, Advocate (through V.C.).
for Mr. Vishal Garg, Advocate
for the respondents.

JAGMOHAN BANSAL, J (ORAL)

1. Through instant application under Section 11 of the Arbitration and Conciliation Act, 1996 (for short '**1996 Act**'), the applicant is seeking appointment of an Arbitrator.
2. The parties entered into arbitration agreement dated 20.04.2022. A dispute erupted between the parties. The applicant served notice upon respondent seeking resolution of dispute through arbitral tribunal but to no avail.
3. The execution of arbitration agreement and service of notice invoking arbitration clause is not disputed.
4. The respondents have appointed Sh. Bharat Bhushan Makkar as Arbitrator. The applicant does not agree to said appointment as it is a unilateral appointment. As per judgment 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. Such



appointment is bad in the eye of law. The appointment in such circumstances needs to be made by High Court or Supreme Court.

5. Ms. Ruchita Garg, Advocate, counsel for the respondent expressed her inability to controvert execution of arbitration agreement service of notice and applicability of afore-cited judgment of Supreme Court to instant matter.

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. Mr. Yogesh Gupta, Former Chief Engineer, Punjab PWD (B&R, residing at House No.535-P, Sector 6, MDC, Panchkula, Mobile No. 9888907705 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 his convenience.

9. The Arbitrator shall be paid fee in accordance with the Fourth Schedule of the 1996 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.

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 Mr. Yogesh Gupta.

03.03.2025
manoj

Whether speaking/reasoned
Whether reportable

[JAGMOHAN BANSAL]
JUDGE

Yes/No
Yes/No