



ARB-146-2024

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

264

ARB-146-2024

Date of Decision: 10.02.2025

M/s Bhagwan Dass and Sons

...Applicant

Versus

Union of India and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: - Mr. Anand Vardhan Khanna, Advocate for the applicant
Mr. Yashpal Sharma, Central Government Counsel
for Union of India-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. Pursuant to tender, the applicant was allotted work by the respondent vide letter dated 09.11.2023 (Annexure P-1). A dispute erupted between the parties. There is an arbitration clause in the tender document. The allotment of work, arbitration clause in tender document and service of notice invoking arbitration clause is not disputed.

3. Learned counsel for the respondent submits that respondent is ready to make appointment of an Arbitrator out of the panel curated by it.

4. The applicant is claiming that in view of judgment of Five Judges Bench of Supreme Court in *Central Organisation for Railway*

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SCC OnLine SC 3219, the respondent cannot make unilateral appointment.

The appointment in such circumstances needs to be made by High Court or Supreme Court. There should be an independent Arbitrator. Impartiality and confidence of parties are pillars of arbitration proceedings.

5. Learned counsel for the respondents submits that any Retired Engineer may be appointed as an Arbitrator.

6. The respondent wants to make appointment of a Retired Engineer and the applicant is also not opposing the same.

7. Considering the statement of both sides, Er. Tarsem Lal Garg, Former Superintending Engineer, Punjab State Agricultural Marketing Board (Punjab Mandi Board, PSAMB), residing at House No.426, Sector 44-A, Chandigarh-160047, Mobile No.9988859644 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.



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12. A request letter along with copy of this order be sent to
Er. Tarsem Lal Garg.

(JAGMOHAN BANSAL)
JUDGE

10.02.2025
Mohit Kumar

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