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213-A

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

ARB-206-2025

Date of Decision: 26.09.2025

Gannon Dunkerley & Company Limited

.... Petitioner

Versus

Chief Executive Officer, Punjab Water Supply & Sewerage Board & others
..... Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Rohit Khanna, Advocate (through V.C.) and
Ms. Simran Sharma, Advocate
for the petitioner.

Mr. J.S. Rana, Advocate,
for the respondents.

JASGURPREET SINGH PURI, J. (ORAL)

1. The present petition has been filed under Section 11(6) of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as 'the Act') praying for appointment of an Arbitrator to adjudicate the disputes which have arisen between the parties.

2. Mr. Rohit Khanna, learned counsel for the petitioner has caused appearance through video conferencing assisted by Ms. Simran Sharma, Advocate, who is present in Court and submitted that an agreement was executed between the parties for the purpose of "Providing & Laying of Lateral Sewer, Main/Outfall Sewer, RCC Rising Main of various sizes, Construction of Manholes, Construction of Sewage Treatment Plants, RCC Main Pumping Stations, providing & installing of Street lights & all other works contingent thereto including maintenance of the same for construction



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period & for 10 years after completion at Bassi Pathana Town & Sirhind Town Distt. Fatehgarh Sahib (Under BUCIP Scheme)". He further submitted that there is a valid agreement between the parties for the aforesaid construction work which has been annexed with the present petition as Annexure P-1 in which there is a Dispute Resolution Mechanism vide Clause 25 which provides for appointment of an Arbitral Tribunal consisting of one official member as Chairman of the Tribunal, who shall be a serving Chief Engineer of the respondent, another official member not below the rank of Superintending Engineer (serving) of the respondent and one non-official member, who will be a technical expert not below the rank of Superintending Engineer (serving/retired) of the respondent-Department. He also submitted that Clause 25 of the aforesaid Agreement regarding appointment of the Arbitrators is illegal in view of the fact that they are serving Chief Engineer and Superintending Engineer of the respondent-Department itself which is in violation of the provisions of Section 12 of the Act as amended in 2015 and also against the law laid down by Hon'ble Supreme Court in "*Perkins Eastman Architects DPC Vs. HSCC (India) Ltd.*", 2020(20) SCC 760. He further submitted that vide Annexure P-15, a notice dated 16.07.2024 was served upon the respondents for invoking the aforesaid arbitration clause to which the respondents have sent a reply vide Annexure P-16 by nominating the sitting Superintendent Engineer as Arbitrator in the present matter, which is otherwise not permissible under the law as there cannot be appointment of any unilateral Arbitrator by either of the parties and therefore, any impartial and independent Arbitrator may be appointed by this Court.

3. On the other hand, learned counsel for the respondent has filed

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reply in Court today, which is taken on record. He submitted that there is no dispute with regard to the existence of an agreement containing valid arbitration clause and he has got no objection in case any independent Sole Arbitrator is appointed to adjudicate the dispute between the parties.

4. In view of the above, the present petition is allowed. Mr. Justice Pramjeet Singh Dhaliwal, a former Judge of this Court, resident of House No.2254, Sector 35-C, Chandigarh, Mobile No.7837049204, Email id. dhaliwalps@gmail.com is nominated as the Sole Arbitrator to adjudicate the dispute between the parties, subject to compliance of statutory provisions including Section 12 of the Act.

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

6. Fee shall be paid to the learned Arbitrator in accordance with the Fourth Schedule of the Arbitration Act, as amended.

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

8. A request letter alongwith a copy of the order be sent to Mr. Justice Pramjeet Singh Dhaliwal, a former Judge of this Court.

26.09.2025*Bhumika***(JASGURPREET SINGH PURI)
JUDGE**

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