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

ARB-362-2025

Date of decision: 19.11.2025

M/S RATTAN CONSTRUCTIONS

...Petitioner(s)

VERSUS

PGIMER AND OTHERS

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

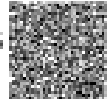
Present:- Mr. Ravinder Singh Virdi, Advocate
for the petitioner.

Mr. K. P. S. Virk, 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') seeking appointment of an independent Arbitrator to adjudicate the disputes and differences which have arisen between the parties.

2. Learned counsel for the petitioner submitted that there was an agreement (Annexure P-1) between the petitioner and the respondents with regard to renovation of toilet blocks in Doctors Hostel and Nivedita Hostel, PGIMER, Chandigarh (Composite Work) (SH:Civil & Electrical works). He further submitted that the aforesaid agreement contains an arbitration clause i.e. Clause 25(ii), which provides that in case any dispute arises between the parties, the same shall be referred to a Sole Arbitrator appointed by the Chief



Engineer, CPWD, in charge of the work. He further submitted that now it is a settled law that an interested party cannot become an Arbitrator, particularly in view of the provisions of Section 12(5) of the Act and also in view of the judgment passed by Hon'ble Supreme Court in **Perkins Eastman Architects DPC and another versus HSCC (India) Limited, (2020) 20 SCC 760**. He also submitted that since a dispute has arisen and the agreement contains an arbitration clause, the petitioner invoked the aforesaid arbitration clause by issuing a notice vide Annexure P-7 dated 31.03.2025 but no response was received from the respondents and therefore, the present petition has been filed seeking appointment of an independent Arbitrator.

3. On the other hand, learned counsel for the respondents submitted that there is no dispute with regard to existence of the agreement as well as the arbitration clause and it is also not disputed that the petitioner invoked the arbitration clause by issuing a notice vide Annexure P-7. He has however submitted that the only objection of the respondents is that the claim of the petitioner is time barred and therefore, the same cannot be referred to a Sole Arbitrator.

4. I have heard the learned counsels for the parties.

5. The existence of the agreement, the arbitration clause and the notice invoking the arbitration clause is not in dispute. The only objection of the respondents is that the claim of the petitioner is time barred. The proposition of law with regard to the aforesaid objection raised by the respondents is no longer *res integra*. It is a settled law that if a plea is taken with regard to the claim being time barred, the same can only be taken before the learned Arbitrator at



the relevant stage and the same cannot be taken at the time of reference under Section 11 of the Act. At the stage of reference under Section 11 of the Act, the High Court is only to see *prima facie* existence of the arbitration clause, regarding which there is no dispute in the present case.

6. In view of the aforesaid facts and circumstances, the present petition is allowed. Sh. Lekhraj Sharma, Advocate, Residential Address- House No. 247, Advocate Society, Sector 49-A, Chandigarh, Office Address- Flat No. 147, Advocate Society, Sector 49-A, Chandigarh, Mobile No.-9417037621, E-mail ID-sharmalawfirm1997@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.

7. 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.

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

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

10. A request letter alongwith a copy of the order be sent to Sh. Lekhraj Sharma, Advocate.

(JASGURPREET SINGH PURI)
JUDGE

19.11.2025
Chetan Thakur

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