



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

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**ARB-382-2025 (O&M)
Date of Decision:03.11.2025**

M/s KCB Infra LLP

.....petitioner

Versus

Harpal Singh

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Mrigank Sharma, Advocate and
Mr. Arjun Chaudhary, Advocate for the petitioner.

Mr. Deepak Goyat, Advocate for the respondent.

JASGURPREET SINGH PURI J.(Oral)

1. The present is a petition filed under Section 11 of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as 'the Act'), seeking appointment of an independent and impartial arbitrator in the present case.
2. Learned counsel for the petitioner submitted that there is a valid agreement between the parties, which has been attached along with the present petition as Annexure P-1, whereby there is an arbitration clause at para No. 39 wherein it is provided that in case a dispute arises between the parties, the same is to be referred to an Arbitrator. He also submitted that a dispute has arisen between the parties for non-fulfilment of the contract and therefore, a notice under Section 21 of the Act was served upon the respondent vide Annexure P-5 on 05.03.2025 and arbitration was also proposed, but the respondent failed to give consent to the same and in this way the process has



failed. Therefore, he submitted that this Hon'ble Court may appoint an independent and impartial arbitrator for adjudicating the dispute.

3. Learned counsel appearing on behalf of the respondent submitted that he has sought specific instructions from the respondent to state that the respondent has no objection in case any independent and impartial sole arbitrator is appointed for adjudication of the dispute, as there exists a valid arbitration clause.

4. In view of the aforesaid facts and circumstances, the present petition is allowed. Mr. Khem Karan Goyal, Additional District Sessions Judge (retired), House No.382, IAS/PCS Society, New Chandigarh (Mullanpur Garibdas), SAS Nagar, Mohali, Ph. No.8558873011, 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 Act.

8. A request letter alongwith a copy of the order be sent to Mr. Khem Karan Goyal, Additional District Sessions Judge (retired).

03.11.2025

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(JASGURPREET SINGH PURI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No