



CWP-20087-2025

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

(202)

CWP-20087-2025

Date of decision:- 12.09.2025

Ramesh Kumar Contractor**... Petitioner****Versus****State of Punjab and others****... Respondents****CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL**

Present:- Mr. Jagdeep Singh Rana, Advocate
for the petitioner.

Mr. Siddharth Sandhu, Assistant Advocate General, Punjab

SUVIR SEHGAL, J. (ORAL)

1. By way of instant petition filed under Article 226 of the Constitution of India, petitioner has approached this Court for issuance of a writ, in the nature of mandamus, directing respondents to release the pending payment for work executed under order, Annexure P-1.
2. Pursuant to interim order dated 18.07.2025 passed by this Court, respondents have passed an office order bearing No. 119, dated 28.08.2025, a copy of which has already been placed on the record, rejecting the claim raised by the petitioner.
3. Counsel for the petitioner submits that in terms of Clause 14 of the Contract Agreement executed between the parties, in case of a dispute, the same has to be referred for adjudication to a sole Arbitrator. He has requested that an Arbitrator may be appointed to decide the dispute.

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4. Clause 14 is reproduced hereunder:-

“14. Dispute settlement

If over the works, any dispute arises between the two parties, relating to any aspects of this Agreement, the parties shall first attempt to settle the dispute through mutual and amicable consultation.

In the event of agreement not being reached, the matter will be referred for arbitration by a Sole Arbitrator not below the level of retired Chief Engineer / Superintending Engineer, (not connected in part or whole with this Project in his service) to be appointed by the first party. The Arbitration will be conducted in accordance with the Arbitration and Conciliation Act, 1996. The decision of the Arbitrator shall be final and binding on both the parties.”

5. Upon instructions received from Mr. Harinder Singh, Executive Engineer, State counsel has agreed to appointment of a sole arbitrator.

6. In view thereof, writ petition is disposed of.

7. Sh. Jatinder Kumar Khurana, Chief Engineer (Contracts), (Retd.), MES, House No.395, Sector - 4, Panchkula – 134112, Mobile No.7085051111, is nominated as sole Arbitrator to adjudicate the dispute between the parties, subject to declaration to be made by him under Section 12 of the Act with regard to his independence and impartiality to adjudicate the dispute.

8. Parties are directed to appear before the Arbitrator on 15.10.2025, at 11:00 A.M., at the address mentioned above or at any other place, time or day fixed by the learned Arbitrator.

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

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



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11. Parties will be at liberty to raise all the claims, counter claims, defences, pleas etc. before the Arbitrator.
12. Needless to mention that all the questions arising between them in this matter will remain open for determination in the arbitral proceedings and any observation made hereinabove will not be binding on the learned Arbitrator.
13. A copy of this order be sent to the nominated Arbitrator.

(SUVIR SEHGAL)
JUDGE

12.09.2025
Kamal

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No