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

ARB-443-2025

Date of Decision: 18.11.2025

M/s Nafref Engineers Private Limited

.... Petitioner

Versus

Union of India and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Rohit Kumar, Advocate for the petitioner.

Mr. Vishal Garg, Advocate for the respondents.

JASGURPREET SINGH PURI, J. (ORAL)

1. The present petition has been filed under Section 11 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. Learned counsel for the petitioner submitted that an agreement was executed between the petitioner and the respondents with regard to alteration of certain sheds and allied services including air conditioning at Air Force Station, Gurugram and the agreement was in the nature of a tender vide Annexure P-1 in which there exists a valid arbitration clause i.e. Clause No.7(b) which states that in case any dispute arises between the parties, then the same will be referred to the serving officer of the respondent. He submitted that in the aforesaid Arbitration Clause, the serving officer of the respondent is to be appointed as an Arbitrator which is illegal in view of Section 12(5) of the Act and also in view of the law laid down by Hon'ble Supreme Court in "Perkins Eastman Architects DPC Vs. HSCC (India) Ltd.", 2020(20) SCC 760. He submitted that when the dispute arose between the parties, the

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petitioner had issued a notice dated 07.11.2024 to the Engineer-in-Chief vide Annexure P-8 for invocation and for appointment of an Arbitrator in terms of the Clause of the Agreement pertaining to the arbitration but no response was received from the respondents. Therefore, the present petition has been filed under Section 11 of the Act for appointment of Sole Arbitrator.

3. On the other hand, Mr. Vishal Garg, learned counsel for the respondents has not been able to controvert the submissions made by learned counsel for the petitioner.

4. In view of the above, the present petition is allowed. Mr. Kulwant Singh Rai Boparai, Advocate, resident of House No.1139, Sector-71, Mohali, Mobile No.9814120718, Email ID. kulwant0096@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. Kulwant Singh Rai Boparai, Advocate.

18.11.2025*Bhumika***(JASGURPREET SINGH PURI)
JUDGE**

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