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

ARB-453-2025 (O&M)

Date of Decision: 27.11.2025

M/s Delhi Engineering and Construction Co.

....Petitioner(s)

Versus

Union of India and another

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Naman Gari, Advocate for the petitioner.

Mr. Vinish Singla, Senior Panel Counsel,
for the respondents-UOI.

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') for appointment of an Arbitrator in terms of the arbitration clause incorporated in the contract (Annexure A-2) at para No.70, which provides for redressal of grievance by way of arbitration process.

2. Learned counsel appearing on behalf of the petitioner submitted that since a dispute arose between the parties out of the aforesaid contract, the petitioner served a notice invoking the arbitration clause vide Annexure A-59 dated 25.07.2018 but no Arbitrator was appointed by the respondents. He further submitted that even thereafter the petitioner had been requesting the respondents for appointment of an Arbitrator as well as for payment of the bills and therefore, the present petition has been filed under Section 11 of



the Act for appointment of an Arbitrator in terms of Clause 70 of the agreement.

3. On the other hand, learned counsel appearing on behalf of the respondents submitted that the present petition under Section 11 of the Act is not maintainable because it is beyond the period of limitation of three years. He submitted that there is no dispute with regard to the existence of an arbitration clause at para No.70 but at the same time, the petitioner has invoked the arbitration clause vide Annexure A-59 dated 25.07.2018 and the respondents vide Annexure A-65 dated 30.10.2019 had replied by denying the claim put forward by the petitioner.

4. Learned counsel submitted that the present petition under Section 11 of the Act has been filed after a period of about seven years as the notice for invoking the arbitration clause was issued on 25.07.2018 and therefore, on the ground of limitation, the present petition may be dismissed.

5. I have heard the learned counsel for the parties.

6. There is no dispute with regard to the existence of the arbitration clause. However, the issue herein pertains to the plea taken by the respondents with regard to the non-maintainability of the present petition on the ground of limitation. The petitioner invoked the arbitration clause vide Annexure A-59 by sending a notice dated 25.07.2018 and thereafter, certain communications were exchanged between the parties. However, the present petition has been filed on 02.08.2025 i.e. after a lapse of about seven years. The law with regard to the period of limitation for filing a petition under Section 11 of the Act is well settled. Hon'ble Supreme

Court in ***SBI General Insurance Co. Ltd. Versus Krish Spinning, 2024***



SCC Online SC 1754 observed as under:-

“127. In Arif Azim (supra), while deciding an application for appointment of arbitrator under Section 11(6) of the Act, 1996, two issues had arisen for our consideration:

i. Whether the Limitation Act, 1963 is applicable to an for appointment of arbitrator under Section 11(6) of the Arbitration and Conciliation Act, 1996? If yes, whether the petition filed by M/s Arif Azim was barred by limitation?

ii. Whether the court may decline to make a reference under Section 11 of Act, 1996, where the claims are ex-facie and hopelessly time barred?

128. On the first issue, it was observed by us that the Limitation Act, 1963 is applicable to the applications filed under Section 11(6) of the Act, 1996. Further, we also held that it is the duty of the referral court to examine that the application under Section 11(6) of the Act, 1996 is not barred by period of limitation as prescribed under Article 137 of the Limitation Act, 1963, i.e., 3 years from the date when the right to apply accrues in favour of the applicant. To determine as to when the right to apply would accrue, we had observed in paragraph 56 of the said decision that "the limitation period for filing a petition under Section 11(6) of the Act, 1996 can only commence once a valid notice invoking arbitration has been sent by the applicant to the other party, and there has been a failure or refusal on part of that other party in complying with the requirements mentioned in such notice."

7. Therefore, considering the aforesaid settled law that the period of limitation for filing a petition under Section 11 of the Act is three years which can only commence once a valid notice has been sent by the applicant



to the other party. The present petition under Section 11 of the Act has been filed after a period of seven years from the date of issuance of notice vide Annexure P-59 dated 25.07.2018. Therefore, clearly the present petition is barred by limitation.

8. Consequently, the present petition is dismissed.

27.11.2025

rakesh

(JASGURPREET SINGH PURI)

JUDGE

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