



ARB-455-2024

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

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ARB-455-2024

Date of Decision: 31.01.2025

Rajan Builders**...Applicant**

Versus

Punjab Water Supply and Sewerage Board and another**...Respondents****CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL**

Present: - Mr. Shivam Sachdeva, Advocate for the applicant

Mr. Sarthak Soni, Advocate

for Mr. Sanjeev Soni, Advocate for the respondents

JAGMOHAN BANSAL, J. (Oral)

1. Through instant application under Section 11(6) of the Arbitration and Conciliation Act, 1996 (for short '**1996 Act**'), the applicant is seeking appointment of an Arbitrator.

2. Pursuant to tender, the applicant was allotted work vide allotment letter dated 03.02.2016 (Annexure P-2). A dispute erupted between the parties. There is an arbitration clause in the General Conditions of Contract. The allotment of work, arbitration clause in General Conditions of Contract and service of notice invoking arbitration clause is not disputed.

3. Short reply filed by the respondents is taken on record. Registry is directed to tag the same at an appropriate place.

4. Learned counsel for the respondents submits that respondent at its level has appointed an Arbitrator, thus, there is no need to appoint another

Arbitrator.



5. Learned counsel for the applicant submits that in view of recent judgment of Five Judges Bench of Supreme Court in ***Central Organisation for Railway Electrification v. ECI SPIC SMO MCML (JV) A Joint Venture Co., 2024 SCC OnLine SC 3219***, the respondent cannot make unilateral appointment. Such appointment is bad in the eye of law and this Court should invoke its jurisdiction under Section 11(6) of the 1996 Act.

6. Conditions to invoke power conferred by Section 11(6) of 1996 Act stand satisfied, thus, I hereby appoint a sole Arbitrator to adjudicate the dispute between the parties.

7. Mr. Justice Arvind Singh Sangwan, Former Judge of this Court, residing at 345, IAS PCS Society, Sector 1, New Chandigarh, Mobile No.7347025003 is hereby appointed as a Sole Arbitrator to adjudicate the dispute between the parties, subject to compliance of statutory requirements. The learned Arbitrator is requested to comply with mandate of Section 12 of 1996 Act before proceeding further.

8. Parties are directed to appear before the learned Arbitrator on date, time and place to be fixed by the Arbitrator at his convenience.

9. The Arbitrator shall be paid fee in accordance with the Fourth Schedule of the 1996 Act, as amended.

10. The Arbitrator is requested to complete the proceedings as per time limit specified under Section 29-A of the 1996 Act.

11. Needless to mention, parties would be at liberty to raise all the claims/defences/counter claims/pleas before the Arbitrator. Any observation made hereinabove will not be binding on the learned Arbitrator.

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12. A request letter along with copy of this order be sent to Mr. Justice Arvind Singh Sangwan.

(JAGMOHAN BANSAL)
JUDGE

31.01.2025*Mohit Kumar*

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