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

ARB-491-2025

Date of Decision: 26.11.2025

The Punjab State Cooperative Supply and Marketing Federation Limited
.... Petitioner

Versus

M/s Guru Kirpa Rice Mill through its partners Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. A.P.S. Mann, Advocate
for the petitioner.

Mr. Akhil Kashyap, Advocate,
for the respondents.

JASGURPREET SINGH PURI, J. (ORAL)

1. The present petition has been filed under Section 11(6) of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as 'the Act') praying for appointment of a Sole 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 parties vide Annexure A-1 in which there was a valid arbitration clause i.e. Clause 27 which provides that any dispute arising between the parties pertaining to the aforesaid Agreement will be referred to the Sole Arbitrator, who will be appointed by the Managing Director of the MARKFED i.e. the respondent itself. He further submitted that as per the aforesaid arbitration clause, the Sole Arbitrator is to be nominated by the respondent-MARKFED which is not permissible in view of provisions of Section 12(5) of the Act and the law laid down by Hon'ble Supreme Court in



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“Perkins Eastman Architects DPC Vs. HSCC (India) Ltd.”, 2020(20) SCC

760 and therefore, the present petition has been filed under Section 11(6) of the Act for appointment of any Sole Arbitrator.

3. Learned counsel further submitted that earlier in a writ petition which was filed by the respondent, a Sole Arbitrator, who was a retired District & Sessions Judge, was appointed by a Co-ordinate Bench of this Court vide order dated 08.02.2019 (Annexure A-6) but later on he withdrew from his office of Arbitrator and thereafter, the Managing Director, MARKFED had appointed another Arbitrator, who was also a retired District & Sessions Judge, but he also recused himself from the arbitration proceedings. He submitted that considering the aforesaid facts and circumstances, another Arbitrator may be appointed by this Court.

4. On the other hand, Mr. Akhil Kashyap, Advocate has caused appearance and filed his Power of Attorney on behalf of respondents No.1 & 3, which is taken on record. He submitted that there is no dispute with regard to existence of the aforesaid agreement and the arbitration clause vide Annexure A-1 and also there is no dispute that five Arbitrators were appointed from time to time but they did not initiate the arbitration proceedings and therefore, respondents No.1 & 3 have no objection in case any independent Sole Arbitration is appointed by this Court since there exists a valid arbitration clause in the agreement (Annexure A-1).

5. As per the report of Registry, respondent No.2 has already been served but he has chosen not to appear.

6. Considering the aforesaid facts and circumstances and also considering that no objection was raised by learned counsel for respondents No.1 & 3, the present petition is allowed. Mr. Justice Satish Kumar Mittal, a former Chief Justice, resident of House No.1545, Sector 7-C, Chandigarh,

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Mobile No.9780008107, Email ID. jsatishkumarmittal@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. The parties shall be at liberty to raise all the pleas legally permissible under the law before the learned Arbitrator.

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

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

9. Learned Arbitrator is also requested to complete the proceedings as per the time limit prescribed under Section 29-A of the Act.

10. A request letter alongwith a copy of the order be sent to Mr. Justice Satish Kumar Mittal, a former Chief Justice.

26.11.2025*Bhumika***(JASGURPREET SINGH PURI)
JUDGE**

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