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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

ARB-539-2025(O&M)
Date of Decision: 07.11.2025

M/S KSC BUILDERS

....Petitioner(s)

Versus

**CHIEF ENGINEER, MUNICIPAL CORPORATION OF
GURUGRAM**

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

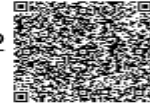
Present: Mr. Varun Dhanda, Advocate, for the petitioner.

Mr. Ashok Kumar Khubbar, Addl. Advocate General, Haryana.

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 an independent Arbitrator to adjudicate the disputes and differences which have arisen between the parties pertaining to an agreement entered into between the parties.

2. Learned counsel appearing on behalf of the petitioner submitted that on the basis of a tender being quoted, the petitioner was allotted work and thereafter, the respondents changed the site. He submitted that in this way, the work could not commence because the new site was a disputed site and thus, the progress could not be made but the petitioner had spent a lot



of money on the same. He submitted that a dispute arose between the parties and there is a uniform DNIT which applies to both the parties and by virtue of the aforeaid DNIT, there is a Clause 25 pertaining to the appointment of an Arbitrator which provides that if the amount is less than Rs. 10 crores, then the dispute shall be referred to a single Arbitrator to be appointed by the Engineer-in-Chief from the panel of Arbitrators approved by the Government. He submitted that a notice was sent to the respondents vide Annexure P-5 dated 26.03.2025 for invocation of the aforesaid arbitration clause but no action was taken by the respondents and in this way, the process has failed and therefore, the present application has been filed under Section 11(6) of the Act for appointment of an independent Sole Arbitrator.

3. Mr. Ashok Kumar Khubbar, Additional Advocate General, Haryana has submitted that on the last date of hearing short time was granted to him to seek instructions and today, he has sought instructions from the Chief Engineer of the Municipal Corporation, Gurugram to submit that they have got no objection to the appointment of any independent Sole Arbitrator by this Court.

4. In view of the aforesaid facts and circumstances, the present petition is allowed. Sh.Tejinderbir Singh, Additional District and Sessions Judge, (Retd.), resident of House No. 129, 39 West, Sector 122, Mohali, Mobile No. 9876105444, E-mail-Id: tejinderbir@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 Act.
8. A request letter alongwith a copy of the order be sent to Sh.Tejinderbir Singh, Additional District and Sessions Judge, (Retd.).

07.11.2025

(JASGURPREET SINGH PURI)

rakesh

JUDGE

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