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

**ARB-517-2024 (O&M)
Date of Decision: 28.07.2025**

M/s Ram Kumar Contractor Pvt. Ltd.

..... Petitioner

Versus

Haryana State Roads and Bridges Development Corporation Ltd. and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

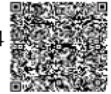
Present: Mr. Umang Bansal, Advocate for the petitioner.

Mr. Prateek Mahajan, Advocate for the respondent.

JASGURPREET SINGH PURI, J. (ORAL)

1. The present petition has been filed under Section 11(6) of the Arbitration and Conciliation Act, 1996 (herein after referred to as 'the Act') praying for appointment of an independent Arbitrator to adjudicate the disputes and differences which have arisen between the parties.

2. Learned counsel for the petitioner submitted that as per the Arbitration Clause i.e. Clause 25.3 for work costing more than ₹10 crores which is binding upon both the parties and submitted that the petitioner had approached the Standing Empowered Committee but his claim was rejected in March, 2024 vide decision dated 01.03.2024. Thereafter, he invoked the Arbitration Clause vide Annexure P-4 on 08.07.2024 and vide Annexure P-5 a retired Engineer-in-Chief was appointed as an Arbitrator on 09.07.2024. He submitted that the petitioner protested regarding the same vide letter dated 22.07.2024 (Annexure P-6) because the Arbitrator so appointed by the respondent had a direct connection with the work in dispute because he was serving as Managing Director of the respondent during the execution of the

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work and has also taken number of decisions with respect to the dispute and question of facts. He further submitted that the aforesaid Arbitrator could not have been appointed being in violation of Section 12(5) read with Seventh Schedule of the Act and therefore, an independent Arbitrator be appointed by this Court.

3. Mr. Prateek Mahajan, learned counsel for the respondents has submitted that he has no objection in case any independent Arbitrator is appointed by this Court.

4. In view of the above, the present petition is allowed. Mr. Justice (Retd.) Kamaljit Singh Garewal, a former Judge of this Court, residence of House No.1065/1, Sector-39-B, Chandigarh, Mobile No.9876002909, kamal.garewal@gmail.com, is nominated as the Sole Arbitrator to adjudicate the dispute between the parties, subject to compliance of statutory provisions.

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

7. A request letter alongwith a copy of the order be sent to Mr. Justice (Retd.) Kamaljit Singh Garewal, a former Judge of this Court.

28.07.2025*Bhumika***(JASGURPREET SINGH PURI)
JUDGE**

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