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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

ARB-550-2025 (O&M)

Date of Decision: 07.11.2025

M/S JB INFRASTRUCTURE BATHINDA

....Petitioner(s)

Versus

STATE OF PUNJAB AND OTHERS

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Ms. Vibhuti Pahwa, Advocate for
Ms. Supriya Garg, Advocate, for the petitioner.

Ms. Neha Sonawane, DAG, Punjab.

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 there was an agreement (Annexure P-2) between the parties wherein there exists a valid arbitration clause at Clause 25 which provides that when the value of the claim is less than Rs. 5 crores, then the dispute shall be referred to the sole arbitration of the Superintending Engineer of the concerned Circle of Public Works Department. She submitted that the total



value of the present subject matter is less than Rs. 5 crores as it is approximately Rs. 1 crore and otherwise also, a serving Superintending Engineer of the respondent cannot be appointed in view of the provisions of Section 12 of the Act and also in view of the judgment of Hon'ble Supreme Court in *Perkins Eastman Architects DPC and another versus HSSC (India) Limited, (2020) 20 SCC 760*. She submitted that after the dispute had arisen, the aforesaid clause was invoked by issuance of notice vide Annexure P-17 dated 16.10.2024 but respondents have failed to take any action with regard to the same and therefore, the present application has been filed under Section 11(6) of the Act. She submitted that any independent Sole Arbitrator may be appointed for the adjudication of dispute.

3. Ms. Neha Sonawane, DAG, Punjab has submitted that she has sought instructions from Mr. Navin Kumar, XEN, Provisional Division, PWD B&R, Faridkot to submit that considering the aforesaid existence of a valid arbitration clause, the State has 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. Hon'ble Mr. Justice (Retd.) Vivek Puri, a former Judge of this Court, resident of House No.237, Sector 16-A, Chandigarh, Mobile No.8558800190 email ID: vivekpuri1962@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 Hon'ble Mr. Justice (Retd.) Vivek Puri, a former Judge of this Court.

07.11.2025

(JASGURPREET SINGH PURI)
JUDGE

rakesh

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