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

ARB-587-2025

Date of decision: 22.12.2025

M/S R.H.G. CONSTRUCTIONS

...Applicant(s)

VERSUS

THE ENGINEER-IN-CHIEF AND OTHERS

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

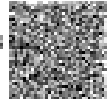
Present:- Mr. R. K. Girdhar, Advocate for the applicant.

Mr. Vinish Singla, Advocate for the respondents.

JASGURPREET SINGH PURI, J. (Oral)

1. The present application has been filed under Section 11 read with Section 12 of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as 'the Act') seeking appointment of an independent Arbitrator to adjudicate the disputes and differences which have arisen between the parties.

2. Learned counsel for the applicant submitted that there was an agreement between the parties vide Annexure A-1, which contains an arbitration clause i.e. Clause 70. He further submitted that a dispute arose between the parties and the applicant invoked the aforesaid arbitration clause by issuing a notice dated 29.07.2024 (Annexure A-7) and although reply was received from the respondents but no action was taken by them for the appointment of an Arbitrator and therefore, the present application has been filed under Section 11 of the Act seeking appointment of a Sole Arbitrator.

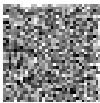


3. On the other hand, learned counsel for the respondents submitted that there is no dispute with regard to the existence of the aforesaid arbitration clause and invocation of the said arbitration clause by way of issuance of notice vide Annexure A-7. He has however submitted that in terms of Clause 65 of the aforesaid agreement, once a final bill has been submitted, no further claim can be raised by the applicant.

4. I have heard the learned counsels for the parties.

5. The existence of the aforesaid arbitration clause and invocation of the said arbitration clause by way of issuance of notice vide Annexure A-7 is not in dispute. The only objection raised by the learned counsel for the respondent is that in terms of Clause 65 of the agreement, once a final bill has been submitted, no further claim can be raised by the applicant. This Court is of the considered view that all the essential conditions for appointment of a Sole Arbitrator under Section 11 of the Act stand satisfied. The aforesaid objection raised by the learned counsel for the respondents pertains to the merits of the dispute, which cannot be gone into by this Court at the reference stage under Section 11 of the Act as the question of whether the applicant is entitled to the claim or not falls within the jurisdiction of the learned Arbitrator.

6. In view of the aforesaid facts and circumstances, the present application is allowed. Sh. Inderjeet Mehta, District and Sessions Judge (Retd.), resident of House No.112, Sector-24, Chandigarh, Mobile No.-9416577277, E-mail ID-9jmehta1958@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.



7. 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.
8. Fee shall be paid to the 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 Sh. Inderjeet Mehta, District and Sessions Judge (Retd.).

22.12.2025
Chetan Thakur

(JASGURPREET SINGH PURI)
JUDGE

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