



**RA-CR-145-2024 in
CR-5840-2018
&
RA-CR-146-2024 in
CR-5026-2018**

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250(2 CASES)

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

(1) RA-CR-145-2024 in
CR-5840-2018

Yash Paul

...Applicant/petitioner

Versus

The Executive Engineer Panchayati Raj, PW (C&M) Division Amritsar,
District Amritsar and Anr.

...Respondents

(2) RA-CR-146-2024 in
CR-5026-2018

Yash Paul

...Applicant/petitioner

Versus

The Executive Engineer Panchayati Raj, PW (C&M) Division Amritsar,
District Amritsar and Anr.

...Respondents

Date of Decision:- 20.02.2025

CORAM: HON'BLE MR.JUSTICE SUVIR SEHGAL

Present: Mr. Kanav Singla, AAG, Punjab
for the review applicant/respondents.

Mr. P.S. Rana, Advocate
for the non-applicant/petitioner.

SUVIR SEHGAL, J.(ORAL)

1. This order shall dispose of above-noted review applications
as they involve common questions of law and fact. For the sake of



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convenience, factual position is being taken from RA-CR-145-2024 in CR-5840-2018.

2. These applications have been filed by the applicant – respondents under Order XVII Rule 1, CPC for reviewing order dated 23.09.2024 passed by this Court claiming that a technical officer not below the rank of Superintending Engineer should have been appointed as an Arbitrator.

3. Counsel for the parties have been heard.

4. The arbitration clause which forms a contract agreement between the parties deserves to be noticed and is reproduced as hereunder:

“(v) All disputes or differences in respect of which the decision is not final and conclusive shall, at the request of either party made in a communication sent through registered AD Post, be referred to arbitration of the Superintending Engineer (PRC) acting as such at the time of reference unless debarred from acting as an Arbitrator by an order of the Director, RDP/Court, in which event the Director, RDP shall appoint any technical officer not below the rank of Superintending Engineer to act as an Arbitrator on receipt of a request from either party.” (emphasis added)

5. A minute examination of the above reproduced clause shows that in the event of a dispute between the parties, the Superintending Engineer, PRC, was to be appointed as an Arbitrator. This appointment



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did take place. However, as noticed in order dated 23.09.2024, despite having entered upon into the reference, the Arbitrator did not announce the award within the stipulated period nor was his mandate extended. The second part of the above reproduced arbitration clause comes into operation when the appointed arbitrator is debarred by the Director, RDP or by the Court.

6. State counsel, who is representing the review applicants, has not been able to point out any order whereby the appointed Arbitrator was debarred from acting as such. As there is no order debarring the Superintending Engineer from acting as an Arbitrator, a technical officer (not below the rank of SE) cannot be appointed as an Arbitrator.

7. There is no error apparent on the face of the record.

8. Review applications are dismissed.

20.02.2025
Brij

**(SUVIR SEHGAL)
JUDGE**

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No