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

ARB-665-2025

Date of decision: 02.12.2025

M/S LEVEL9 BIZ PVT. LTD.

...Petitioner(s)

VERSUS

THE STATE OF PUNJAB AND OTHERS

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

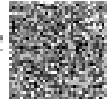
Present:- Mr. R. K. Girdhar, Advocate for the petitioner.

Mr. Somesh Arora, Addl. A.G., Punjab.

JASGURPREET SINGH PURI, J. (Oral)

1. The present petition 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 dispute/claim of the petitioner qua the work of construction of ITI at Village Rasulpur, Black Morinda, District Rupnagar, Punjab.

2. Learned counsel for the petitioner submitted that a contract was entered into between the petitioner and the respondents for the aforesaid work and general conditions of the contract are annexed with the present petition as Annexure A/1 and the said contract contains a dispute resolution mechanism, wherein Clause 25(v)(a) specifically provides for the appointment of an Arbitrator. He further submitted that as per the aforesaid Clause, when the original contract value is upto Rs.5 crores, the disputes shall be referred to the



sole arbitration of the Superintending Engineer of the concerned circle of Public Works Department, Buildings and Roads Branch acting as such at the time of reference unless debarred from acting as an Arbitrator by an order of the Punjab Government, in which event, the employer shall appoint any other Superintending Engineer of the department to act as an Arbitrator on receipt of a request from either party. He further submitted that it is a settled law that an interested party cannot become an Arbitrator, particularly in view of the provisions of Section 12(5) of the Act and also in view of the judgment passed by Hon'ble Supreme Court in **Perkins Eastman Architects DPC and another versus HSCC (India) Limited, (2020) 20 SCC 760.** He also submitted that a notice invoking the arbitration clause was served upon the respondents vide Annexure P-12 dated 01.08.2025, but no response was received from the respondents and therefore, the present petition has been filed seeking appointment of an independent Arbitrator.

3. At this stage, Mr. Somesh Arora, Addl. A.G., Punjab, on instructions from Mr. Vivek Mehta, Sub-Divisional Engineer (Construction), Sub-Division Morinda, submitted that the respondents have no objection to the appointment of an independent Arbitrator by this Court.

4. In view of the aforesaid facts and circumstances, the present petition is allowed. Mr. Justice Satish Kumar Mittal, a former Chief Justice, resident of House No.1545, Sector 7-C, Chandigarh, Mobile No.-9780008107, E-mail ID-jsatishkumarmittal@ 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 Mr. Justice Satish Kumar Mittal, a former Chief Justice.

02.12.2025
Chetan Thakur

(JASGURPREET SINGH PURI)
JUDGE

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