



ARB-639-2025

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

**ARB-639-2025
Date of Decision: 28.11.2025**

M/s Sha Construction Company

.... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Arun Bansal, Advocate &
Mr. Anubhav Bansal, Advocate
for the petitioner.

Mr. Raghav Goel, AAG, Punjab.

JASGURPREET SINGH PURI, J. (ORAL)

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

2. Learned counsel for the petitioner submitted that an agreement was executed between the parties in which there is a valid arbitration clause i.e. Clause 25 which states that in case any dispute arises between the parties, then the same will be referred to the Sole Arbitrator, who would be a serving officer of the respondent itself which is otherwise not permissible under the law. He further submitted that a notice was served upon the respondents by invoking the aforesaid arbitration clause vide Annexure P-3 on 21.07.2025 wherein the petitioner had referred to the judgment passed by Hon'ble



Supreme Court in “*Perkins Eastman Architects DPC Vs. HSCC (India) Ltd.*”, 2020(20) SCC 760 to contend that unilateral appointment as per the aforesaid Clause cannot be made, therefore, a Sole Arbitrator be appointed, but no response was received from the respondents regarding the same. Therefore, the present petition has been filed under Section 11 of the Act for appointment of Sole Arbitrator.

3. On the other hand, Mr. Raghav Goel, learned AAG, Punjab submitted that he has sought specific instructions from Mr. Sohit Gupta, Junior Engineer, Water Supply & Sanitation Department, Division-3, Bhatinda to state that the respondents have no objection in case any independent Sole Arbitrator is appointed by this Court to adjudicate the disputes which have arisen between the parties.

4. In view of the above, the present petition is allowed. Mr. Tejinderbir Singh, Additional District and Sessions Judge (Retd.), resident of House No.129, 39 West, Sector 122, Mohali, Mobile No.9876105444, Email id. tejinderbir@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

Arbitration Act.

8. A request letter alongwith a copy of the order be sent to Mr.
Tejinderbir Singh, Additional District and Sessions Judge (Retd.).

28.11.2025

Bhumika

(JASGURPREET SINGH PURI)

JUDGE

1. Whether speaking/reasoned: Yes/No

2. Whether reportable: Yes/No