



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

276

ARB-647-2024

Date of decision: 03.02.2025

M/S SECANT CONSTRUCTION PRIVATE LIMITED

....APPLICANT

Vs.

EXECUTIVE ENGINEER PROVL. DIVN. NUH
AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Amit Kaushik, Advocate,
Ms. Divya Arora, Advocate and
Mr. Himanshu Sharma, Advocate
for the applicant.

Mr. Raman Sharma, Addl. A.G., Haryana.

JAGMOHAN BANSAL, J (ORAL)

1. The applicant through instant application under Section 11(6) of the Arbitration and Conciliation Act, 1996 (for short "1996 Act") is seeking appointment of an Arbitrator to adjudicate the dispute between the parties.

2. It is undisputed that appointment made by respondent is contrary to recent judgment of Supreme Court in '*Central Organization for Railway Electrification Vs. ECI SPIC SMO MCML (JV) A Joint Venture Company, (2024) SCC OnLine SC 3219*', thus, appointment is bad in the eye of law.

3. The respondent has appointed a three members Arbitral Tribunal which is not acceptable to the applicant. Counsel for the parties submit that as per agreement, there should be a three members Arbitral Tribunal, however, they leave it to this Court to appoint a sole Arbitrator.



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4. In the wake of statement of both sides, this Court is of the considered opinion that matter should be referred to a sole Arbitrator.

5. Conditions to invoke power conferred by Section 11(6) of 1996 Act stand satisfied, thus, I hereby appoint a sole Arbitrator to adjudicate the dispute between the parties.

6. Mr. Justice Rajbir Sehrawat, Retired Judge of this Court, residing at House No.3408, Sector 24, Chandigarh, Mobile No.7347025005 is hereby appointed as a Sole Arbitrator to adjudicate the dispute between the parties, subject to compliance of statutory requirements. The learned Arbitrator is requested to comply with mandate of Section 12 of 1996 Act before proceeding further.

7. Parties are directed to appear before the learned Arbitrator on date, time and place to be fixed by the Arbitrator at his convenience.

8. The Arbitrator shall be paid fee in accordance with the Fourth Schedule of the Act, as amended.

9. The Arbitrator is requested to complete the proceedings as per time limit specified under Section 29-A of the 1996 Act.

10. Needless to mention, parties would be at liberty to raise all the claims/defences/counter claims/pleas before the Arbitrator. Any observation made hereinabove will not be binding on the learned Arbitrator.

11. A request letter along with copy of this order be sent to Mr. Justice Rajbir Sehrawat (retired).

03.02.2025
manoj

[JAGMOHAN BANSAL]
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No