

274

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

ARB-29-2026

Date of decision: 23.03.2026

DMR BUILDERS PVT. LTD.

...Applicant(s)

VERSUS

STATE OF PUNJAB AND OTHERS

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

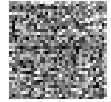
Present:- Mr. Nikhil Handu, Advocate
for the applicant.

Mr. Raghav Goel, AAG, Punjab.

JASGURPREET SINGH PURI, J. (Oral)

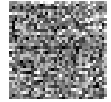
1. The present application has been filed under Section 11(6) of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as 'the Act') seeking appointment of an independent Arbitrator to adjudicate the disputes and differences which have arisen between the parties pertaining to contract for construction of Judicial Court Complex at Hoshiarpur.

2. Learned counsel for the applicant submitted that there exists an agreement between the parties containing a dispute resolution mechanism at Clause 25, which has been attached as Annexure P-1 along with the present arbitration case. He submitted that as per the aforesaid Clause, if the original contract value is upto Rs.15 crores, the disputes shall be referred to the sole arbitration of any other Superintending Engineer of the department and if the



original contract value is more than Rs.15 crores, the disputes shall be referred to the Arbitral Tribunal consisting of three members and the composition of the Tribunal has been mentioned in the aforesaid Clause. He further submitted that the officers, who are proposed to constitute the Arbitral Tribunal or act as the Sole Arbitrator, are employees of the respondents, which is not permissible under the law. He further submitted that a dispute arose between the parties and the applicant invoked the aforesaid arbitration clause by issuing a notice dated 16.10.2025 (Annexure P-11) proposing the names of three Arbitrators but no response was received from the respondents and therefore, the present application has been filed seeking appointment of an independent Arbitrator. He also submitted that although there is a provision in the aforesaid arbitration clause for appointment of an Arbitral Tribunal consisting of three Arbitrators but considering the expenses involved, any Sole Arbitrator may be appointed by this Court.

3. On the other hand, Mr. Raghav Goel, AAG, Punjab submitted that he has specific instructions from Mr. Yadwinder Singh, SDO, who is present in the Court, to state that the respondents have no objection in case any independent Sole Arbitrator is appointed by this Court. He further submitted that there is no dispute with regard to the existence of the arbitration clause and invocation of the said arbitration clause by way of issuance of a notice vide Annexure P-11. He also submitted on instructions that although there is a provision in the aforesaid arbitration clause for appointment of an Arbitral Tribunal consisting of three Arbitrators but considering the expenses involved, any Sole Arbitrator may be appointed by this Court. He has however submitted



that liberty may be granted to the respondents to raise all the legally permissible pleas, including plea with regard to the delayed filing of the claim, before the learned Sole Arbitrator at an appropriate stage and in accordance with law.

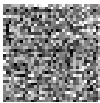
4. In view of the aforesaid specific stand taken by the learned State counsel and the request made by both the learned counsels for the parties that an independent Sole Arbitrator may be appointed and particularly considering the fact that the persons mentioned in the Clause are ineligible as they are interested persons, this Court therefore deems it fit and proper to allow the present application and appoint a Sole Arbitrator in the present case.

5. Consequently, the present application is allowed. Mr. Justice Surinder Gupta, a former Judge of this Court, resident of # 542, The Foothills Cooperative Residential Society (IAS/PCS Society), New Chandigarh, Mullanpur-140901, Mobile Nos.-9646356001 and 9417312323, 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.

6. Liberty is granted to the respondents to raise all the legally permissible pleas available to them, including plea with regard to delayed filing of the claim, before the learned Sole Arbitrator at an appropriate stage and in accordance with law.

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 Mr. Justice Surinder Gupta, a former Judge of this Court.

23.03.2026
Chetan Thakur

(JASGURPREET SINGH PURI)
JUDGE

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