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

ARB-48-2026

Date of decision: 19.03.2026

KAMALDEEP GARG CONTRACTOR

...Applicant(s)

VERSUS

**PUNJAB WATER SUPPLY AND SEWERAGE BOARD, CHANDIGARH
AND ANOTHER**

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

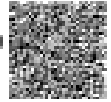
Present:- Mr. Jasjit Singh Saini, Advocate and
Mr. Nimish Gautam, Advocate
for the applicant.

Mr. D. K. Singal, Advocate
for the respondents.

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.

2. Learned counsel for the applicant submitted that there is an agreement between the parties containing an arbitration clause, the relevant portion of which is attached as Annexure P-2. He further submitted that as per the arbitration clause, when the original contract value is upto Rs.5 crores, then the disputes shall be referred to the sole arbitration of the Superintending Engineer of the concerned circle of Punjab Water Supply and Sewerage Board.

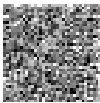


He further submitted that it is a settled law that an interested party cannot become an Arbitrator, particularly in view of the provisions of Section 12(5) of the Act and also in view of the judgment passed by Hon'ble Supreme Court in **Perkins Eastman Architects DPC and another versus HSCC (India) Limited, (2020) 20 SCC 760.** He also submitted that since a dispute arose between the parties, the applicant invoked the aforesaid arbitration clause by issuing a notice dated 12.11.2025 (Annexure P-5) but no response was received from the respondents and therefore, the present application has been filed seeking appointment of an independent Arbitrator.

3. On the other hand, Mr. D. K. Singal, Advocate has put in appearance on behalf of the respondents and has filed his power of attorney in the Court today, which is taken on record. He further submitted that he has specific instructions from Mr. Rajinder Garg, Executive Engineer to state that the respondents have no objection in case any independent Sole Arbitrator is appointed by this Court.

4. In view of the above, the present application is allowed. Sh. Paramjeet Singh, District and Sessions Judge (Retired), resident of House No.9-A, Model Town, Patiala, mobile No.-9914267647, 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 Sh. Paramjeet Singh, District and Sessions Judge (Retired).

19.03.2026
Chetan Thakur

(JASGURPREET SINGH PURI)
JUDGE

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