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

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**ARB-72-2026 (O&M)
Date of Decision:.08.05.2026**

Social Skill Vision Society through its proprietor Sh. Rajesh Singh

.....Petitioner

Versus

Municipal Corporation, Hisar through its Commissioner

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Jai Karan Singh, Advocate for the petitioner.

Mr. Jagdish Manchanda, Sr. Advocate with
Mr. Nischal Chetanya Manchanda, Advocate for the respondent.

JASGURPREET SINGH PURI J.(Oral)

1. The present is a petition filed under Section 11 of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as 'the Act'), seeking appointment of a sole arbitrator in the present case.

2. Learned counsel for the petitioner submits that a valid agreement (Annexure A-1) for operation and maintenance of 22 urinals and 64 toilets in MC Hisar was entered into between the parties, which contains an arbitration clause i.e. Clause 19, providing that in case of any dispute, the Commissioner, Municipal Corporation, Hisar will be the Arbitrator. He submits that the aforesaid Commissioner of the respondent-department cannot be appointed as



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an Arbitrator in view of Section 12(5) of the Act because of conflict of interest. He further submits that since disputes arose between the parties, the petitioner served a notice dated 14.10.2025 upon the respondent vide Annexure A-5 invoking the arbitration clause, but no response has been received from the respondent. Therefore, he submits that this Court may appoint an independent and impartial Arbitrator for adjudication of the disputes between the parties.

3. On the other hand, learned counsel appearing on behalf of the respondent submits that the existence of the agreement (Annexure A-1) containing the arbitration clause as well as the invocation thereof by the petitioner vide notice (Annexure A-5), are not disputed. He submits that the only objection of the respondent is that no amount is outstanding towards the respondent-Corporation and the work performed by the petitioner was wholly unsatisfactory.

4. I have heard the learned counsels for the parties.

5. The existence of the agreement containing the arbitration clause, as well as the invocation of the said clause by issuance of notice, has not been disputed by learned counsel for the respondent and rather the same has been admitted by him. The only objection raised by learned counsel for the respondent is that no amount is due against the respondent and that the work performed by the petitioner was unsatisfactory. This Court is of the considered view that the aforesaid objection raised by learned counsel for the respondent is unsustainable in view of the fact that at the reference stage under Section 11 of the Act, it would not be within the scope of this Court to examine such objections, as the same are to be considered during arbitration proceedings



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before the learned Arbitrator at an appropriate stage.

6. The essential conditions for appointment of an Arbitrator under Section 11 of the Act, namely, the *prima facie* existence of an arbitration clause and its invocation, are satisfied and rather the same have been admitted by learned counsel for the respondent.

7. Consequently, the present petition is allowed. Sh. Ranjit Singh Bajaj, Advocate, resident of House No. 1395, Sector-40-B, Chandigarh, Mobile Nos. 99144-21241, 94171-21241, E-mail:rs-bajaj@hotmail.com is appointed as the Sole Arbitrator to adjudicate the disputes between the parties, subject to compliance of statutory provisions including Section 12 of the Act

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

9. Fee shall be paid to learned Arbitrator in accordance with the Fourth Schedule of the Arbitration Act, as amended.

10. Learned Arbitrator is also requested to complete the proceedings as per the time limit prescribed under Section 29-A of the Act.

11. A request letter alongwith a copy of the order be sent to Sh. Ranjit Singh Bajaj, Advocate.

08.05.2026
shweta

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No