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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

ARB-74-2026(O&M)

Date of Decision: 06.03.2026

M/S PARMESH KUMAR CONTRACTOR

....Petitioner(s)

Versus

STATE OF HARYANA AND OTHERS

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr.A.K. Dahiya, Advocate,
for the petitioner.

Mr. Chirag Wadhwa, DAG, Haryana.

Mr. Udit Garg, Advocate,
for respondents No.3 to 5.

JASGURPREET SINGH PURI, J. (Oral)

1. The present petition 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 appearing on behalf of the petitioner submitted that there was an agreement between the petitioner and respondents No.3 to 5 vide Annexure P-1. He submitted that there exists an arbitration clause in Annexure P-7 i.e. Clause 25(A), which provides that all the disputes or differences in respect of which the decision is not final and conclusive shall at the request in writing of either party made in a communication sent



through registered A.D. post be referred to the sole arbitration of any serving Assistant Executive Officer to be nominated by designation by the Commissioner Municipal Corporation, Panipat, who is the respondent. He further submitted that the aforesaid designation so provided is not otherwise permissible under the law being unilateral in nature and therefore, any independent Sole Arbitrator may be appointed. He also submitted that the petitioner invoked the aforesaid arbitration clause by issuing a notice dated 10.10.2025 (Annexure P-6) but no response was received from the respondents and therefore, the present petition has been filed under Section 11 of the Act seeking appointment of an independent Arbitrator.

3. Mr. Udit Garg, Advocate has appeared on behalf of respondents No.3 to 5 and submitted that he has specific instructions to state that respondents No.3 to 5 have no objection in case any independent Sole Arbitrator is appointed by this Court in view of the fact that there is no dispute with regard to the existence of the aforesaid arbitration clause and invocation of the said arbitration clause by way of issuance of notice vide Annexure P-6. He has however submitted that liberty may be granted to respondents No.3 to 5 to raise all the legally permissible pleas available to them in accordance with law before the learned Arbitrator at an appropriate stage.

4. In view of the above, the present petition is allowed. Mr. Sachin Sharma, a former Additional District & Sessions Judge, Office Address: R-1, E316, DLF Hyde Park, New Chandigarh, Mullanpur, Punjab-140901, Mobile No.8054555090, Email ID:legal.sachin@yahoo.co.in, 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. Liberty is granted to respondents No.3 to 5 to take all the legally permissible pleas available to them in accordance with law before the learned Arbitrator at an appropriate stage.

6. 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.

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

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

9. A request letter alongwith a copy of the order be sent to Mr. Sachin Sharma, a former Additional District & Sessions Judge.

06.03.2026

(JASGURPREET SINGH PURI)

rakesh

JUDGE

Whether speaking

:

Yes/No

Whether reportable

:

Yes/No