

2026:PHHC:080370



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

ARB-83-2026 (O&M)

Date of decision: 15.05.2026

M/s Haryana Electrical Equipment

....Petitioner

Versus

Dakshin Haryana Bijli Vitran Nigam Limited and others

....Respondent

CORAM: HON'BLE MR. JUSTICE SHEEL NAGU, CHIEF JUSTICE

Present: None for the applicant.

Mr. Neeraj Gupta, Addl. A.G., Haryana,
for the respondents.

SHEEL NAGU, CHIEF JUSTICE(Oral)

1. Instant application u/s 11 (6) of Arbitration and Conciliation Act, 1996 (for short, '1996 Act'), seeks appointment of an Arbitrator.

2. No reply has been filed on behalf of the respondents.

3. The rival parties herein entered into agreements/tender dated 29.09.2021 and 21.02.2022 **(Annexure P-1 and Annexure P-2)** containing an arbitration clause as follows:

“Clause 22. Arbitration:- All the matters, questions, disputes, differences and/or claims arising out of and/or concerning and/or in connection and/or relating to this contract whether or not obligations of

either or both parties under this contract be subsisting at the time of such dispute and whether or not this contract has been terminated or purported to be terminated or completed, shall be referred to the Sole Arbitrator to be nominated by Managing Director/UHBVNL/DHBVNL. The award of the arbitrator shall be final and binding on the parties to this contract. Provisions of the Arbitration & Conciliation Act, 1996 and the Rules made thereunder, the statutory modifications thereof for the time being in force, shall be deemed to apply to the Arbitration proceedings under this clause.”

3.1 Dispute erupted between the parties. The petitioner served notice dated 16.09.2022 (**Annexure P-11**) upon respondents for settlement of dispute, but to no avail. Thereafter, the petitioner, vide notice dated 16.10.2022 (**Annexure P-15**) again requested the respondents to refer the said matter to the arbitration. Despite several requests, the respondents failed to act upon the request of the petitioner.

3.2 Thereafter, petitioner filed the petition under Section 11(6) of ‘1996 Act’ before this Hon’ble Court for appointment of Arbitrator vide ARB-413-2022. The same was dismissed as rendered infructuous vide order dated 30.09.2024 (**Annexure P-18**) as the respondents issued communication dated 03.09.2024 (**Annexure P-16**) and 09.09.2024 (**Annexure P-17**), whereby the consent of the petitioner was needed for appointment of one of the persons named there as an arbitrator. Furthermore, the petitioner, vide communication dated

16.10.2024 (**Annexure P-19**), gave consent to appoint Mr. P.K. Goyal as the sole arbitrator to resolve the dispute.

3.3 Despite the consent of the petitioner, the respondents had failed to appoint the arbitrator despite the several requests. Furthermore, respondents again asked for the consent vide communication dated 24.04.2025 (**Annexure P-21**) and petitioner, again, gave its consent for the appointment of the arbitrator vide communication dated 02.05.2025 (**Annexure P-22**). Thus, the petitioner left with no other alternative remedy, but to file the present petition.

4. Learned counsel for respondents could not dispute the existence and execution of arbitration agreement, exhaustion of remedy by applicant under the arbitration clause in the agreement between rival parties, service of notice, dispute between the parties being arbitrable and the cause not being a deadwood.

5. The law regarding the scope of examination under Section 11(6) of the Arbitration and Conciliation Act, 1996 is well settled. At the stage of considering an application for appointment of an arbitrator, the Court is only required to undertake a **limited prima facie examination** as to the **existence** and **validity** of the arbitration agreement and whether the disputes are **manifestly non-arbitrable**. Unless it is **ex facie** clear that the arbitration agreement is non-existent, invalid, or the disputes are demonstrably non-arbitrable, the matter ought to be referred to arbitration.

6. The Apex Court in **Vidya Drolia Vs. Durga Trading Corporation, (2021) 2 SCC 1, NTPC Ltd. Vs. SPML Infra Ltd. (2023) 9 SCC 385**, and **DLF Home Developers Ltd. Vs. Rajapura Homes (P) Ltd., (2021) 2 SCC 675** has consistently held that the referral Court, while exercising jurisdiction under Section 11, is not expected to conduct a mini trial or enter into a detailed adjudication of disputed questions. The rule is: “when in doubt, do refer.”

7. In the opinion of this Court, as the prerequisites for invoking powers under Section 11(6) of the Arbitration and Conciliation Act, 1996 stand satisfied, the objections raised by the Respondent do not constitute a valid impediment to the exercise of this Court’s power to appoint an arbitrator.

8. Accordingly, this application is allowed.

8.1 Mr. Justice Amol Rattan Singh, former Judge of this Court, residing at House No.363 Sector- 2, Panchkula - 134109, Mobile No. 9814105596, is hereby appointed as Sole Arbitrator to adjudicate the dispute between the parties, subject to compliance of statutory requirements under 1996 Act before proceeding ahead.

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

10. The Arbitrator is appointed with the liberty to determine jurisdiction (including pecuniary jurisdiction) and rule on any objections including (but not limited to) ruling on

objections with respect to the existence or validity of the arbitration agreement and the scope of the Arbitrator’s authority in accordance with Section 16 of the 1996 Act.

11. The Arbitrator shall be paid fee in accordance with the Fourth Schedule of 1996 Act, as amended from time to time, or fee as agreed to by the parties.

12. The Arbitrator is requested to complete the arbitral proceedings as per time limit stipulated u/s 29-A of 1996 Act.

13. Any observation made hereinabove is meant merely for passing this order and shall not be construed as expression on merits of the dispute.

14. A request letter along with copy of this order be sent to Mr. Justice Amol Rattan Singh, former Judge of this Court.

(SHEELNAGU)
CHIEF JUSTICE

15.05.2026
Ajay Prasher

Whether peaking/reasoned	Yes/No
Whether reportable	Yes/No