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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

RA-CR-30-2026 in
ARB-454-2025
Date of Decision: 16.03.2026

M/s H4 HOSPITALITY AND ANOTHER

....Applicants(s)

Versus

NIKHIL AHUJA AND ANOTHER

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Devinder K. Rajwal, Advocate,
for the applicants.

JASGURPREET SINGH PURI, J. (Oral)

1. The present application has been filed under Order 47 Rule 1 and 2 CPC read with Section 114 CPC seeking review of the order dated 20.01.2026 (Annexure A-1) passed by this Court in ARB-454-2025.

2. Learned counsel for the review applicants submitted that the aforesaid judgment was passed by this Court on 20.01.2026 in which an Arbitrator was appointed under Section 11 of the Arbitration and Conciliation Act, 1996 but when the matter was called for the second time after pass over it was told that the appointment has already been made.

3. After hearing the learned counsel for the applicant, this Court is of the considered view that the present application is not maintainable in view of the judgment of the Hon'ble Supreme Court in Hindustan

Construction Company Ltd. through its authorised signatory Yogesh Dalal



versus Bihar Rajya Pul Nirman Nigam Limited and others, 2025 SCC Online SC 2578 and also in Bhadra International (India) Pvt. Ltd. and others vs. Airports Authority of India, 2026 SCC OnLine SC 7, wherein it has been so held that once the appointment of an Arbitrator is made under Section 11 of the Act, the Court becomes *functus officio*. The relevant portion of the judgment in Hindustan Construction Company Ltd's case (supra) is reproduced as under:-

“9(i) Whether the High Court possessed the jurisdiction to review or recall its earlier order passed under Section 11(6) of the A&C Act, and whether the exercise of such power was valid in law.

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11.7. Although the power exercised by the High Court under Section 11 is judicial in nature post - SBP & Co. case, its scope remains narrow. Once an arbitrator is appointed, the arbitral process must proceed unhindered. There is no statutory provision for review or appeal from an order under Section 11, which reflects a conscious legislative choice.

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11.15. For the reasons discussed above, this Court is of the considered view that the High Court did not have the jurisdiction to reopen or review its earlier order passed under Section 11(6) of the A&C Act. Once the appointment was made, the court became functus officio and could not sit in judgment over the very issue it had already settled. The review order cuts against the grain of the Act, undermines the principle of minimal judicial interference, and effectively converts the review into an appeal in disguise. Such an exercise cannot stand. Accordingly, this issue is answered in the negative”.

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7. The relevant portion of the judgment in **Bhadra International (India) Pvt. Ltd.'s case (supra)** is also reproduced as under:-

“102. The law in this regard is fairly settled. Where a party is aggrieved by the ineligibility of an arbitrator under Section 12(5), it may directly approach the court under Section 14 of the Act, 1996. There is no doubt that when an arbitrator is ineligible under Section 12(5), i.e., he lacks inherent jurisdiction to hold the position, his mandate stands automatically terminated, and it is not necessary for the parties to challenge his appointment under Section 12 read with Section 13. When such a challenge is made, the court is required to determine whether the arbitrator suffers from de jure inability under Section 14(1)(a) of the Act, 1996.”

8. In view of the above, the present review application is dismissed.

16.03.2026

(JASGURPREET SINGH PURI)

rakesh

JUDGE

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