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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

ARB-107-2026(O&M)
Date of Decision: 27.03.2026

M/S MITTAL CONSTRUCTION CO.

....Petitioner(s)

Versus

STATE OF PUNJAB AND OTHERS

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr.Jagdeep Singh Rana, Advocate,
(Through Video Conferencing) and
Mr. Shivam Sachdeva, Advocate,
for the petitioner.

Mr. Raghav Goel, AAG, Punjab.

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') praying for appointment of a Sole Arbitrator.

2. Mr. Jagdeep Singh Rana, Advocate appearing on behalf of the petitioner through video conferencing along with Mr. Shivam Sachdeva, Advocate appearing through physical hearing has submitted that there was an agreement between the petitioner and the respondents vide Annexure P-1, which contains an arbitration clause at para No.25 which pertains to disputes resolution mechanism and as per clause 25(v), in case any dispute arises between the parties and in case the contract value is less than Rs. 5



crores, then the matter is to be referred to the sole arbitration of the Superintending Engineer of the concerned circle of Water Supply & Sanitation Department. He submitted that the aforesaid Superintending Engineer, who is an employee of the respondents cannot be appointed as Arbitrator, the same being impermissible and hit by Section 12(5) of the Act and therefore, any independent Sole Arbitrator may be appointed as the contract value is less than Rs. 5 crores in the present case. He submitted that since a dispute arose between the parties, the petitioner invoked the aforesaid arbitration clause by sending a notice to the respondents vide Annexure P-9 dated 15.12.2025 but no response was received from the respondents and therefore, the present petition has been filed seeking appointment of an independent Sole Arbitrator.

3. On the other hand, Mr. Raghav Goel, learned Assistant Advocate General, Punjab has submitted that on the last date of hearing, he had sought time to seek instructions and today, he has instructions from Mr. Amritdeep Singh, Executive Engineer, Water Supply & Sanitation Division, Abohar to state that the respondents/State 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 in the agreement and the invocation thereof by way of issuance of notice vide Annexure P-9.

4. In view of the above, the present petition is allowed. Dr. Sarita Gupta, District & Sessions Judge (Retd.), resident of Tower 12-A, Flat No. 202, Suncity Parikrama, Sector 20, Panchkula, Mobile No. 9671819333, 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 her 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 Dr. Sarita Gupta, District & Sessions Judge (Retd.).

27.03.2026

rakesh

Whether speaking
Whether reportable

(JASGURPREET SINGH PURI)

JUDGE

: Yes/No
: Yes/No