

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

2026:PHHC:057572



(275)

ARB-112-2026(O&M)
Date of Decision: 16.04.2026

Neeraj Goyal

--Petitioner

Versus

M/s Premium Infracon Pvt. Ltd. & Anr.

--Respondents

CORAM:- HON'BLE MR. JUSTICE JASGURPREET SINGH PURI.

Present:- Mr. Amit Gupta, Advocate for the petitioner.

Mr. Sunil Chadha, Sr. Advocate with
Mr. Raghav Chadha, Advocate for respondent no.1.

Mr. M.K. Garg, Advocate for respondent no.2.

JASGURPREET SINGH PURI.J (Oral)

1. Mr. M.K. Garg, Advocate has appeared on behalf of respondent no.2 and submitted that on the last date of hearing, respondent no.2 was proceeded against *ex parte* and due to lack of communication, he could not appear on the last date of hearing and he may be permitted to join the proceedings after recalling the aforesaid order, whereby respondent no.2 was proceeded against *ex-parte*.

2. Learned counsel for the petitioner states that he has no objection with regard to the same.

3. In view of the oral request made by learned counsel for respondent no.2, the order dated 30.03.2026, is recalled to the limited extent whereby respondent no.2 was proceeded against *ex parte*. Respondent no.2 is permitted to join the proceedings.

4. Reply filed by respondent no.2 in the Court today, is taken on record and a copy of the same has been supplied to the learned counsel for petitioner.

5. The present petition has been filed under Section 11(6) of the Arbitration & Conciliation Act, 1996 for appointment of an independent Arbitrator for the resolution of dispute between the parties.

6. Learned counsel for the petitioner has referred to Annexure P-4, which is a Memorandum of Understanding (MOU) between the parties, which contains an arbitration clause in paragraph no.37, which provides that in the event of any question or dispute arising under, in connection with, incidental to, and/or interpretation or scope of this MOU, or relating thereto, the same shall be referred to Arbitration of a Sole Arbitrator, to be appointed mutually by the parties and/or by any of parties and the decision of the Sole Arbitrator shall be final and conclusive. It is further submitted that since a dispute arose between the parties, the petitioner issued notices dated 07.01.2026 (Annexures P-8 & P-9) to both the respondents by invoking the arbitration clause but no response to the same was filed by the respondents. It is submitted that it was because of this reason that the present petition has been filed for appointment of Sole Arbitrator.

7. On the other hand, learned senior counsel appearing on behalf of respondent no.1 as well as learned counsel appearing on behalf of respondent no.2 have submitted that they have got specific instructions to submit that they have got no objection in case any independent Sole Arbitrator is appointed by this Court. There is no dispute with regard to the existence of MOU between the parties which contains an arbitration clause.

They submit that permission may be granted to the respondents to take

all the legally permissible pleas which are available to them in accordance with law including the plea of impleadment of necessary parties at an appropriate stage before the learned Arbitrator.

8. Learned counsel for the petitioner submits that he has no objection with regard to the aforesaid liberty being sought by the learned counsel for respondents for taking the aforesaid legally permissible pleas before the learned Arbitrator at an appropriate stage.

9. I have heard learned counsel for the parties.

10. Considering the facts and circumstances as well as submissions made by learned counsel for the parties, noticed hereinabove, this Court is of the considered view that all the essential conditions for appointment of an Arbitrator under Section 11 of the Arbitration & Conciliation Act, 1996, stand satisfied. Liberty is granted to the respondents to take up all the legally permissible pleas which are available to them in accordance with law before the learned Arbitrator at an appropriate stage including the plea of impleadment of any necessary party. Consequently, the present petition is allowed. Dr. Justice Vineet Kothari, Acting Chief Justice (retired), Plot No. 947, 11 th D Road, Sardarpura, Jodhpur, Rajasthan 342003, Additional Address: C/o Mr. Sumendra Jain, Chartered Accountant, D- 1203, Wembley Estate, Rosewood City, Sector 50, Gurugram-122018, Haryana, Ph. 9480822552 Email I.D. kotharivineet@gmail.com 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.

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

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

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

14. A request letter along with a copy of the order be sent to Dr. Justice Vineet Kothari, Acting Chief Justice (retired).

15. The misc. application(s), if any, shall also stand disposed of.

(JASGURPREET SINGH PURI)
JUDGE

16.04.2026

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Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No