



ARB-136-2026 (O&M) 1

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

249

**ARB-136-2026 (O&M)
Date of Decision: 29.04.2026**

Aerial Telecom Solutions Pvt. Ltd.

.....Petitioner

Versus

Bharat Sanchar Nigam Limited

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Dipanshu Kapur, Advocate for the petitioner.

Dr. Deepak Jindal, Advocate for the respondent.

JASGURPREET SINGH PURI J.(Oral)

1. The present is a petition filed under Section 11 (6) of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as 'the Act'), seeking appointment of a sole arbitrator in the present case.

2. Learned counsel for the petitioner submitted that a valid agreement (Annexure P-1) was entered into between the parties and the arbitration clause contained therein has been placed on record vide Annexure P-2 which is a bid document. He submitted that as per Clause 12 (I) (2), where the claim amount is between Rs.5 lakhs and Rs.5 crores, a sole Arbitrator is to be appointed from the panel of Arbitrators maintained by the respondent-BSNL. He further submitted that nomination of an



ARB-136-2026 (O&M) 2

Arbitrator from the panel maintained by the respondent is not legally permissible in view of Section 12(5) of the Act on account of conflict of interest. He further submitted that since a dispute arose between the parties, the petitioner served a notice dated 18.09.2025 upon the respondent vide Annexure P-3 for invoking the arbitration clause. In response thereto, the respondent vide Annexure P-13 proposed its own panel of Arbitrators, which was not acceptable to the petitioner. Therefore, he submitted that this Hon'ble Court may appoint an independent and impartial arbitrator for adjudicating the dispute which has arisen between the parties.

3. On the other hand, learned counsel appearing on behalf of the respondent submitted that there is no dispute regarding the existence of the agreement (Annexure P-1) or the arbitration clause contained in the bid document vide Annexure P-2. There is also no dispute regarding invocation of the arbitration clause by the petitioner by issuing notice (Annexure P-3) to the respondent. He submitted that respondent proposed the name of three arbitrators which was not acceptable to the petitioner.

4. I have heard the learned counsels for the parties.

5. The existence of the bid document and the arbitration clause contained therein, as well as the invocation of the said clause by issuance of notice, have not been disputed by learned counsel for the respondent and rather the same has been admitted by him.

6. Both the parties could not reach a consensus for appointment of the sole Arbitrator and, therefore, the present petition has been filed for



ARB-136-2026 (O&M) 3

appointment of a sole arbitrator.

7 After hearing learned counsel for the parties, this Court is of the considered view that both the conditions *sine qua non* for appointment of an Arbitrator under Section 11 of the Act stand satisfied, namely, the prima facie existence of an arbitration clause and its invocation, and rather the same have been admitted by learned counsel for the respondent.

8. Consequently, the present petition is allowed subject to payment of costs of Rs.10,000/-, which shall be deposited by the petitioner in the PGI Poor Patients' Welfare Fund, Chandigarh within a period of three months from today, in view of the fact that the present petition under Section 11 of the Act is very bulky running into 831 pages. Reference in this regard may be made to the judgment of the Hon'ble Supreme Court in ***SBI General Insurance Company Limited Vs. Krish Spinning, 2024 SCC Online SC 1754*** wherein it has been observed that bulky petitions under Section 11 of the Act should not to be filed. Hon'ble Mr. Justice Jasbir Singh (retired), resident of House No.839, Sector-16, Chandigarh, Mobile No. 9780008106 is appointed as the Sole Arbitrator to adjudicate the disputes between the parties, subject to compliance of statutory provisions including Section 12 of the Act

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



ARB-136-2026 (O&M) 4

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

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

12. A request letter alongwith a copy of the order be sent to Hon'ble Mr. Justice Jasbir Singh (retired).

13. The petitioner shall furnish the receipt regarding deposit of the aforesaid costs in the Registry of this Court and, in case the aforesaid costs are not deposited, the Registry shall list this case for compliance.

29.04.2026

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(JASGURPREET SINGH PURI)
JUDGE

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