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

ARB-164-2026

Date of Decision: 10.04.2026

S.K. Construction Company

.... Applicant

Versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Ankur Gupta, Advocate
for the applicant.

Ms. Shruti, AAG, Punjab.

JASGURPREET SINGH PURI, J. (ORAL)

1. The present application has been filed under Section 11(6) of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as 'the Act') praying for appointment of an independent Sole Arbitrator to adjudicate upon the disputes which have arisen between the parties.

2. Learned counsel for the applicant has submitted that there was a work order issued by the respondents to the applicant which was in the nature of a Contract. The said work order contains a valid arbitration clause i.e. Clause 25 which provides that for original contract of the value upto ₹5 crores, the matter shall be referred to a Sole Arbitration of the Superintending Engineer of the concerned circle of Public Works Department, Buildings and Roads Branch acting as such at the time of reference unless debarred from acting as an Arbitrator by an order of the Punjab Government. He submitted that in view of the amendment of the Act which was carried out in the year 2015 whereby Section 12(5) of the Act was



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added and also in view of the law laid down by Hon'ble Supreme Court in “Central Organization for Railway Electrification Vs. M/s ECI SPIC SMO MCML (JV) a Joint Venture Company”, 2025(4) SCC 641 and “Perkins Eastman Architects DPC Vs. HSCC (India) Ltd.”, 2020(20) SCC 760, the Superintending Engineer of the respondent-Department being interested party cannot be appointed as the Sole Arbitrator to adjudicate the disputes between the parties. He further submitted that the claim value is less than ₹5 crores and therefore, a Sole Arbitrator is required to be appointed. He also submitted that when a dispute arose between the parties, the applicant invoked the aforesaid arbitration clause by issuing notice under Section 21 of the Act to the respondents vide Annexure P-5 dated 16.02.2026. However, no response was received from the respondents in this regard. Therefore, the present application has been filed under Section 11 of the Act for appointment of an independent Sole Arbitrator.

3. On the other hand, Ms. Shruti, learned AAG, Punjab has submitted on instructions from from X.En Nirpal Singh o/o Executive Engineer, Construction Division No.2, Public Works Department (B&R), Ludhiana that the respondents have no objection in case any independent Sole Arbitrator is appointed by this Court considering the fact that there exists a valid arbitration clause in the Work Order (Annexure P-1) and the same has been invoked by the applicant vide the aforesaid notice dated 16.02.2026. She however submitted that the respondents may be permitted to take up all the legally permissible pleas available to them before learned Arbitrator at an appropriate stage.

4. In view of the aforesaid facts and circumstances and the statement made by learned State Counsel, the present application is allowed.

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Dr. Puneet Kaur Sekhon, Senior Advocate, resident of House No.121, Sector 9-B, Chandigarh-160009, Mobile No.9878867773, Email Id. pks@sekhonlawassociates.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.

5. The respondent shall be at liberty to raise all the pleas legally permissible under the law before the learned Arbitrator.

6. 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.

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

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

9. A request letter alongwith a copy of the order be sent to Dr. Puneet Kaur Sekhon, Senior Advocate.

10.04.2026*Bhumika***(JASGURPREET SINGH PURI)****JUDGE**

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| 1. Whether speaking/reasoned: | Yes/No |
| 2. Whether reportable: | Yes/No |