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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

ARB-162-2026 (O&M)

Date of Decision: 15.05.2026

M/S ANIL AND COMPANY

....Petitioner(s)

Versus

PUNJAB SMALL INDUSTRIES AND EXPORT CORPORATION
LTD.

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. G.S. Punia, Senior Advocate with
Ms. Harveen Kaur, Advocate,
for the petitioner.

Mr. Kannan Malik, Advocate,
for the respondent.

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 an independent Sole Arbitrator.

2. Mr. G.S. Punia, learned Senior Counsel with Ms. Harveen Kaur, learned counsel appearing on behalf of the petitioner submitted that there is an agreement (Annexure P-1) between the petitioner and the respondent, wherein there is a clause pertaining to dispute resolution mechanism contained in Clause 25. He submitted that as per the aforesaid clause, when the contract value is less than Rs. 5 crores and a dispute arises between the parties, then the same shall be referred to the sole arbitration of any



serving/retired Superintending Engineer of the respondent. He submitted that the aforesaid nominated person cannot be appointed as an Arbitrator being unilateral in nature and therefore, any independent Sole Arbitrator may be appointed by this Court. He further submitted that when a dispute arose between the parties, a notice invoking the arbitration clause was issued vide Annexure P-6 dated 25.08.2025 but no response was received from the respondent and therefore, the present petition has been filed under Section 11 of the Act seeking appointment of a Sole Arbitrator.

3. On the other hand, Mr. Kannan Malik, learned counsel for the respondent submitted that on the last date of hearing i.e. 28.04.2026, he had appeared and filed his memo of appearance and today he may be permitted to file his power of attorney.

4. The request made by the learned counsel for the respondent is accepted. The power of attorney filed by the learned counsel for the respondent is taken on record.

5. Learned counsel for the respondent submitted that he has sought specific instructions from the respondent to state that the respondent has got no objection in case any independent Sole Arbitrator is appointed by this Court since there is no dispute with regard to the agreement between the parties, which contains an arbitration clause and the invocation thereof by issuance of a notice vide Annexure P-6.

6. In view of the above, the present petition is allowed. Dr.Sukant Gupta, Advocate, resident of House No. 552, Sector 10-D, Chandigarh, Mobile Nos.9815910552 and 7009110552, Email ID: sukant 2405 @ hot mail.com gupta.sukant@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.

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

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

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

10. A request letter alongwith a copy of the order be sent to Dr.Sukant Gupta, Advocate.

15.05.2026

(JASGURPREET SINGH PURI)

rakesh

JUDGE

Whether speaking

:

Yes/No

Whether reportable

:

Yes/No