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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

RA-CR-61-2026 in
ARB-782-2025
Date of Decision: 08.05.2026

FRANCORP ADVISORS PRIVATE LIMITED

....Applicant(s)

Versus

HAIR MASTERS SALON PRIVATE LIMITED

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Paras Choudhary, Advocate,
for the applicant.

JASGURPREET SINGH PURI, J. (Oral)

1. The present application has been filed under Order 47 Rule 1 read with Section 114 of the Code of Civil Procedure seeking review of the order dated 11.03.2026.
2. Learned counsel for the applicant submitted that on a petition being filed by the petitioner under Section 11 of the Arbitration and Conciliation Act, 1996, this Court had appointed an Arbitrator vide order dated 11.03.2026. He submitted that as per Clause 20, the proceedings are to be held at Faridabad but the Arbitrator who has been appointed is situated in Chandigarh and therefore, the aforesaid order may be reviewed and any Arbitrator from Faridabad may be appointed.
3. I have heard the learned counsel for the applicant.



4. The applicant had filed a petition under Section 11 of the Act and after hearing both the parties, this Court allowed the petition and had appointed an Arbitrator. It was the contention of the learned counsel for the applicant, which is so noted in para No.3 of the judgment passed by this Court dated 11.03.2026 that after notice invoking arbitration clause was issued under Section 21 of the Act, the respondents replied to the notice and denied the proposal and did not accept the name of the proposed Arbitrator. In this way, since the mechanism for appointment of an Arbitrator has failed, the applicant had approached this Court by filing a petition under Section 11 of the Act. As per Section 11(6) of the Act, when the mechanism fail, then any of the parties can file application for appointment of an Arbitrator and the petition under Section 11 of the Act was ultimately allowed and a Sole Arbitrator was appointed.

5. The present review has been filed seeking modification of the place of arbitration, which would mean change of the Arbitrator. It is a settled law that once an Arbitrator is appointed under Section 11 of the Act, then the reference Court after appointment of Arbitrator becomes *functus officio*. Reference in this regard can be made to the judgment passed by Hon'ble Supreme Court in **Hindustan Construction Company Ltd. through its authorised signatory Yogesh Dalal versus Bihar Rajya Pul Nirman Nigam Limited and others, 2025 SCC Online SC 2578.** The relevant portion of the aforesaid judgment is reproduced as under:-

“9(i) Whether the High Court possessed the jurisdiction to review or recall its earlier order passed under Section 11(6) of the A&C Act, and whether the exercise of such power was valid in law.

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11.7. Although the power exercised by the High Court under Section 11 is judicial in nature post - SBP & Co. case, its scope remains narrow. Once an arbitrator is appointed, the arbitral process must proceed unhindered. There is no statutory provision for review or appeal from an order under Section 11, which reflects a conscious legislative choice.

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11.15. For the reasons discussed above, this Court is of the considered view that the High Court did not have the jurisdiction to reopen or review its earlier order passed under Section 11(6) of the A&C Act. Once the appointment was made, the court became functus officio and could not sit in judgment over the very issue it had already settled. The review order cuts against the grain of the Act, undermines the principle of minimal judicial interference, and effectively converts the review into an appeal in disguise. Such an exercise cannot stand. Accordingly, this issue is answered in the negative”.

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6. This Court is of the considered view that after the mechanism failed and this Court had appointed an Arbitrator, then no such kind of review application could have been filed seeking any modification thereof. The present application is not only vexatious but it is also not maintainable.

7. Consequently, the present review application is dismissed with costs, which are assessed at Rs.10,000/-. The applicant is hereby directed to deposit the aforesaid costs with the High Court Legal Services Committee, within a period of two months from today and furnish a receipt to the Registry of this Court. In case the receipt is not furnished within the aforesaid period, then the Registry shall put up this case before this Court.

08.05.2026

(JASGURPREET SINGH PURI)

rakesh

JUDGE

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