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

**ARB-380-2025**

**Date of decision: 16.03.2026**

**M/S GIRDHARI LAL AGGARWAL CONTRACTORS PVT. LTD.**

**...Applicant(s)**

**VERSUS**

**HARYANA SHEHRI VIKAS PRADHIKARAN (HSVP) AND ANOTHER**

**...Respondent(s)**

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

Present:- Mr. Rohan Markanda, Advocate and  
Ms. Aviral Setia, Advocate for the applicant.

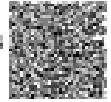
Mr. H. S. Gill, Advocate for the respondents.

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**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') seeking appointment of an independent Arbitrator to adjudicate the disputes and differences which have arisen between the parties.

2. Learned counsel for the applicant submitted that there was an agreement between the parties containing an arbitration clause i.e. Clause 25A, which provides that in the event of any dispute or difference arising between the parties, the matter shall first be referred to the Executive Engineer-in-charge, who shall consider and decide the same within a period of sixty days and if no decision is taken within a further period of sixty days, then the matter shall be referred to the Sole Arbitrator. He further submitted that since the Executive

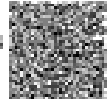


Engineer-in-charge did not convey any decision to the applicant within the aforesaid period of 60 days, the applicant thereafter invoked the aforesaid arbitration clause by issuing a notice dated 03.05.2025 (Annexure P-4) but no response was received from the respondents. He also submitted that as per the aforesaid arbitration clause, a Sole Arbitrator was required to be appointed, who is a serving Superintending Engineer of HUDA but it is a settled law that an interested party cannot become an Arbitrator, particularly in view of the provisions of Section 12(5) of the Act and also in view of the judgment passed by Hon'ble Supreme Court in **Perkins Eastman Architects DPC and another versus HSCC (India) Limited, (2020) 20 SCC 760** and therefore, the present application has been filed seeking appointment of an independent Arbitrator.

3. On the other hand, Mr. H. S. Gill, learned counsel for the respondents has filed reply on behalf of the respondents in the Court today, which is taken on record. He further submitted that there is no dispute with regard to the existence of the arbitration clause and invocation of the said arbitration clause by way of issuance of a notice vide Annexure P-4. He also submitted that as per the settled law and in view of Section 12(5) of the Act, a serving officer of the respondent cannot be appointed as an Arbitrator.

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

5. There is no dispute with regard to the existence of the arbitration clause and invocation of the said arbitration clause by way of issuance of notice vide Annexure P-4. In view of settled law and the provisions of Section 12(5) of the Act, the Superintending Engineer of the respondent cannot be appointed as an Arbitrator.



6. All the essential conditions for invoking Section 11 of the Act, namely, the *prima facie* existence of the arbitration clause and its invocation by way of issuance of notice vide Annexure P-4, are fulfilled and particularly when the same are not disputed by the learned counsel for the respondents.

7. In view of the above, the present application is allowed. Mrs. Justice Meenakshi I. Mehta, a former Judge of this Court, resident of House No.358, Sector-2, MDC, Panchkula (Haryana), mobile No.-9416877277, e-mail ID-mimehta1964@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.

8. 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.

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

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

11. A request letter alongwith a copy of the order be sent to Mrs. Justice Meenakshi I. Mehta, a former Judge of this Court.

16.03.2026  
Chetan Thakur

(JASGURPREET SINGH PURI)  
JUDGE

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