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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

ARB-356-2024 (O&M)
Date of decision: 09.01.2026

M/S S.R. CONSTRUCTIONS

...Applicant(s)

VERSUS

M/S ORRIS INFRASTRUCTURE PVT. LTD.

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

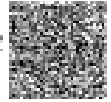
Present:- Ms. Isha Goyal, Advocate and
Mr. R. P. Saini, Advocate for the applicant.

Mr. Sarjit Bhadu, Senior Advocate with
Ms. Sanya Thakur, Advocate and
Mr. Veer Singh, Advocate for the respondent.

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.

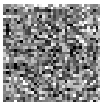
2. Learned counsel for the applicant submitted that a contract was executed between the parties vide Annexure P-2, which contains a valid arbitration clause i.e. Clause 8 at page No.23 of the paper-book. She further submitted that the aforesaid arbitration clause provides that in case of any dispute or difference between the parties, the same shall be referred to a Sole Arbitrator to be appointed by the client's representative but the same would not



be permissible under the law due to conflict of interest. She further submitted that a dispute arose between the parties and the applicant invoked the aforesaid arbitration clause by issuing a notice dated 19.01.2024 (Annexure P-4), to which a reply was filed by the respondent but there was no consensus on the appointment of a Sole Arbitrator and therefore, the present application has been filed under Section 11 of the Act seeking appointment of a Sole Arbitrator.

3. On the other hand, learned Senior Counsel appearing on behalf of the respondent submitted that there is no dispute with regard to the existence of the aforesaid contract, the arbitration clause and invocation of the said arbitration clause by way of issuance of notice vide Annexure P-4. He further submitted that the respondent has no objection in case a Sole Arbitrator is appointed by this Court to adjudicate the disputes and differences which have arisen between the parties. He has however submitted that liberty may be granted to the respondent to raise all issues before the learned Arbitrator including the issue of non-arbitrability of the dispute as well in relation to Clause 54.2 of the contract.

4. After hearing the learned counsels for the parties, this Court is of the considered view that all the essential conditions for appointment of a Sole Arbitrator under Section 11 of the Act stand satisfied. So far as the submission raised by the learned Senior Counsel appearing on behalf of the respondent seeking liberty to raise all issues pertaining to the non-arbitrability of the dispute is concerned, there is no dispute with regard to the same as any such plea can always be raised before the learned Arbitrator. In any case, liberty is granted to the respondent to raise any such plea pertaining to the non-



arbitrability of the dispute before the learned Arbitrator at the appropriate stage and time.

5. In view of the aforesaid facts and circumstances, the present application is allowed. Mr. Justice Talwant Singh, a former Judge of Delhi High Court, resident of X-19, GF, Hauz Khas, Near NIFT Campus, New Delhi-110016, Office Address- Kothi No.199, Sector 11-A, Chandigarh-160011, Mobile No.-9910384653, e-mail ID-mail@talwantsingh.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.

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 his 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 Mr. Justice Talwant Singh, a former Judge of Delhi High Court.

09.01.2026
Chetan Thakur

(JASGURPREET SINGH PURI)
JUDGE

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