

269

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

**ARB-547-2025 (O&M)
Date of decision: 29.01.2026**

M/S QUICK WELL BORING COMPANY

...Applicant(s)

VERSUS

UNION OF INDIA AND ANOTHER

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

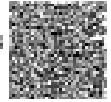
Present:- Mr. Vipin Kumar Sharma, Advocate
for the applicant.

Mr. Vishal Garg, Advocate
for the respondents.

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 it is a case where when a dispute arose between the parties, an Arbitrator was appointed and the learned Arbitrator pronounced the award on 31.10.2006, whereby certain reliefs were granted to the applicant and certain reliefs were granted to the respondents and the said award has attained finality. He further submitted that there were some disputes which remained unsettled before the learned Arbitrator, for which the applicant issued a fresh notice vide Annexure A-11 dated 27.06.2023,



by which various disputes have been raised and for which he seeks the appointment of a fresh Arbitrator.

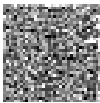
3. On the other hand, learned counsel for the respondents submitted that once the dispute was adjudicated by the learned Arbitrator and the award was pronounced in the year 2006, which has attained finality and the aforesaid grievance of the applicant, which he has raised in a fresh notice (Annexure A-11) was also part of the subject matter before the learned Arbitrator, then he is estopped from moving a fresh application for fresh adjudication since the *lis* has already been adjudicated by the Arbitrator and is also hit by the principle of *res judicata*.

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

5. This Court raised a specific query to the learned counsel for the applicant as to whether the grievance and subject matter raised in the fresh notice vide Annexure P-11, by which the applicant now seeks to invoke arbitration before this Court was the subject matter of the award at that point of time or not, to which he stated that it was a part of the subject matter before the learned Arbitrator but he had not raised any claim with regard to his grievance relating to compensation pertaining to the risk and costs factor and therefore, the present notice has been issued.

6. This Court is of the considered view that when the matter was referred to the learned Arbitrator, then all the grievances which the applicant has now raised in the fresh invocation were already available with him and the subject matter of the dispute was also the same before the learned Arbitrator.

The award which was pronounced by the learned Arbitrator on 31.10.2006 has already attained finality as per both the learned counsels for the parties.



7. It is not a case where in pursuance of the agreement between the parties, a fresh cause of action has arisen after the award was passed, for which certainly a fresh Arbitrator can always be appointed in view of arising of a cause of action later on because the contract can always be continuous in nature and in case for the purpose of appointment of an Arbitrator, if the contract is continuous in nature and there exists an arbitration clause, then the mere fact that the earlier arbitration award has been passed will not become a bar for appointment of a fresh Arbitrator, but this is subject to the condition that the cause of action must have arisen after the passing of the award but when the subject matter itself is a part of the arbitration procedure in which the award has already been passed, then the mere fact that some issue was left untouched because of not making a claim cannot become a ground for appointment of a fresh Arbitrator, at this stage.

8. In view of the above, the present arbitration case is dismissed.

29.01.2026
Chetan Thakur

(JASGURPREET SINGH PURI)
JUDGE

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