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

ARB-769-2025

Date of decision: 10.02.2026

M/S CHAMAN LAL AND SONS

...Applicant(s)

VERSUS

**EXECUTIVE ENGINEER, PWD B&R (PROVINCIAL DIVISION),
PATHANKOT AND ANOTHER**

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Dheeraj Mahajan, Advocate for the petitioner.

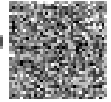
Mr. Raghav Goel, AAG, Punjab.

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 out of the contract agreement pertaining to the work of Construction of Government College at Kalanaur, Gurdaspur.

2. Reply has been filed by way of an affidavit of Executive Engineer, Provincial Division, PWD B&R, Gurdaspur in the Court today and the same is taken on record.

3. Learned counsel for the applicant submitted that a contract was executed between the parties for the aforesaid work, which contains a disputes resolution mechanism, wherein Clause 25(v)(b) specifically provides for the appointment of an Arbitrator. He further submitted that as per the aforesaid

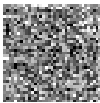


Clause, when the original contract value is more than Rs.5 crores and upto Rs.15 crores, the disputes shall be referred to the sole arbitration of any other Superintending Engineer of the department to be appointed by the employer. He further submitted that a dispute arose between the parties and the applicant invoked the aforesaid arbitration clause by issuing a notice dated 13.10.2025 (Annexure P-4) but no response was received from the respondents and therefore, the present application has been filed seeking appointment of an independent Arbitrator.

4. On the other hand, Mr. Raghav Goel, AAG, Punjab, on instructions from Mr. Rohin Saini, Sub-Divisional Engineer, PWD B&R, Gurdaspur, who is present in the Court, 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 notice vide Annexure P-4. He further submitted that the only submission of the State is that the applicant did not complete the aforesaid work within the stipulated period. He also submitted that the respondents may be granted liberty to raise all the legally permissible pleas, including the aforesaid plea, before the learned Arbitrator in accordance with law at an appropriate stage.

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

6. 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 and therefore, all the essential conditions for invoking Section 11 of the Act are fulfilled. So far as the submission made by the learned State counsel with regard to the plea that the applicant did not complete the work within the stipulated period is concerned, the same lies within the scope of



the learned Arbitrator and liberty has been sought by the respondents to raise all the legally permissible pleas before the learned Arbitrator.

7. In view of the above, the present application is allowed. Ms. Justice Navita Singh, a former Judge of this Court, resident of Flat No.309, 9th Floor, Jaishree Towers, Swastik Vihar, Mansa Devi Complex, Sector 5, Panchkula, mobile No.-8558809911, 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. Liberty is granted to respondents to take all the legally permissible pleas available to them in accordance with law, including the aforesaid plea of non-completion of work within the stipulated period, before the learned Arbitrator at an appropriate stage.

9. 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.

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

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

12. A request letter alongwith a copy of the order be sent to Ms. Justice Navita Singh, a former Judge of this Court.

(JASGURPREET SINGH PURI)
JUDGE

10.02.2026
Chetan Thakur

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