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

**ARB-779-2025 (O&M)
Date of Decision: 17.02.2026**

M/s Venkateswara Wires Private Limited

.... Applicant

Versus

Uttar Haryana Bijli Vitran Nigam Limited

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Munish Kumar Garg, Advocate
for the applicant.

Mr. Udit Garg, Advocate,
for the respondent.

JASGURPREET SINGH PURI, J. (ORAL)

1. Mr. Udit Garg, Advocate has caused appearance on behalf of the respondent and submitted that although on the last date of hearing i.e. on 30.01.2026, the respondent was proceeded against *ex parte* but it was due to inadvertence that the respondent could not be represented in Court on time. He prayed that the order by which the respondent was proceeded against *ex parte* may be recalled.

2. Learned counsel for the applicant submitted that he has no objection with regard to the same.

3. In view of the above, the aforesaid order dated 30.01.2026, to the extent that the respondent was proceeded against *ex parte*, is recalled. The respondent is permitted to participate in the proceedings.

4. The present application has been filed under Section 11 of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as 'the Act') praying for appointment of a Sole Arbitrator to adjudicate upon the disputes



which have arisen between the parties.

5. Learned counsel for the applicant submitted that there were two purchase orders which were issued by the respondent to the applicant for supply of ACSR Rabbit Conductor vide Annexures P-1 & P-4 wherein there exists a valid arbitration clause i.e. Clause 20 which provides that all the matters, questions, disputes, differences and/or claims arising out of and/or concerning and/or in connection and/or relating to this contract shall be referred to the Sole Arbitrator to be nominated by the Managing Director/UHBVNL. He submitted that in view of the amendment of the Act which was carried out in the year 2015 whereby Section 12(5) of the Act was added and also in view of the law laid down by Hon'ble Supreme Court in "Perkins Eastman Architects DPC Vs. HSCC (India) Ltd.", 2020(20) SCC 760, the Managing Director of the respondent-UHBVNL being interested party cannot nominate the Arbitrator to adjudicate the disputes between the parties. He further submitted that when a dispute arose between the parties, the applicant invoked the aforesaid arbitration clause by issuing a notice under Section 21 of the Act to the respondents vide Annexure P-10 dated 15.09.2025, but no response was received from the respondent in this regard. Therefore, the present petition has been filed under Section 11 of the Act for appointment of an independent Sole Arbitrator.

6. On the other hand, Mr. Udit Garg, Addl. AG, Haryana submitted that she has sought specific instructions from the respondent-UHBVNL to state that the respondent has no objection in case any independent Sole Arbitrator is appointed by this Court. He however submitted that the respondent may be permitted to take up all the legally permissible pleas available to it before learned Arbitrator at an appropriate

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stage.

7. In view of the above, the present petition is allowed. Dr. Puneet Kaur Sekhon, Senior Advocate, resident of House No.121, Sector-9B, Chandigarh-160009, Mobile No.9878867773, Email Id. pks@sekhonlawassociates.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. The respondent shall be at liberty to raise all the pleas legally permissible under the law before the learned Arbitrator.

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 Dr. Puneet Kaur Sekhon, Senior Advocate.

17.02.2026*Bhumika***(JASGURPREET SINGH PURI)
JUDGE**

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|-------------------------------|--------|
| 1. Whether speaking/reasoned: | Yes/No |
| 2. Whether reportable: | Yes/No |