HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Arbitration Application No. 31/2026
CNR: RJHC020029082026 | URN: ARBAP / 62U / 2026

M/s Hari Das, (A Partnership Firm), Having Its Office At, 1St Floor, Shop No. 13, City Walk Mall, Lalghati, Bhopal-462030 Through Its Authorized Signatory And Partner Vikas Menghani.

----Petitioner/Applicant

Versus

1. Union Of India, Through General Manager, West Central Railway, Hq Office, Jabalpur.
2. Senior Divisional Engineer (South), West Central Railway, Office Of Drm, Kota-324002.

----Respondents

For Applicant(s)	:	Mr. Jatin Agarwal with Ms. Anita Goyal
For Respondent(s)	:	Mr. V.P. Mathur

HON'BLE THE CHIEF JUSTICE MR. SANJAY K. AGRAWAL

Order

23/11/2026

1. The petitioner/applicant has preferred this arbitration application under Section 11(5) read with Section 11(6) of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as 'the Act of 1996') for appointment of an arbitrator.

2. Heard learned counsel for the parties and perused the material available on record.

3. Clause 64.(3) of the General Conditions of Contract reads as under:

> "**64.(3): Appointment of Arbitrator:**
>
> **64.(3)(a):** Appointment of Arbitrator where applicability of section 12 (5) of Arbitration and Conciliation Act has been waived off:

64.(3)(a)(i): In cases where the total value of all claims in question added together does not exceed Rs.1,00,00,000/- (Rupees One Crore), the Arbitral Tribunal shall consist of a Sole Arbitrator who shall be a Gazetted Officer of Railway not below Junior Administrative Grade, nominated by the General Manager. The sole arbitrator shall be appointed within 60 days from the day when a written and valid demand for arbitration is received by General Manager.

64.(3)(a)(ii): In cases not covered by the Clause 64(3)(a)(i). the Arbitral Tribunal shall consist of a panel of three Gazetted Railway Officers not below Junior Administrative Grade or 2 Railway Gazetted Officers not below Junior Administrative Grade and a retired Railway Officer, retired not below the rank of Senior Administrative Grade Officer, as the arbitrators. For this purpose, the Railway will sand a panel of at least four (4) names of Gazetted Railway Officers of one or more departments of the Railway which may also include the name(s) of retired Railway Officer(s) empanelled to work as Railway Arbitrator to the Contractor within 60 days from the day when a written and valid demand for arbitration is received by the General Manager.

Contractor will be asked to suggest to General Manager at least 2 names out of the panel for appointment as Contractor's nominee within’ 30 days from the date of dispatch of the request by Railway. The General Manager shall appoint at least one out of them as the Contractor's nominee and will, also simultaneously appoint, the, balance number of arbitrators either from the panel or from outside the panel, duly indicating the ‘presiding arbitrator’ from amongst the 3 ‘arbitrators’ so appointed. General Manager shall complete this exercise of appointing the Arbitral Tribunal within 30 days from the receipt of the names of Contractor’s nominees. While nominating the arbitrators, it will be necessary to ensure that one of them is from the Accounts’ Department. An officer of Selection Grade of the Accounts Department shall be considered of equal status’ to the ‘officers in Senior Administrative Grade of other departments of the Railway for the purpose of appointment of arbitrator.

64.3.(a)iii: The serving railway officer working in arbitral tribunal in the ongoing arbitration cases as per clause 64.(3)(a)(i) and clause 64.(3)(a)(ii) above, can continue as arbitrator in the tribunal even after his retirement.”

4. The notice has been served to the non-applicants on 28.04.2026.

5. Learned counsel for the applicant submits that the Arbitrator be appointed as there is an arbitration clause and notice has also been served.

6. Learned counsel for the non-applicants submits that the dispute is not arbitrable.

7. The arbitrability of the dispute, if any, be raised before the learned Arbitrator and, accordingly, this Court appoints Hon'ble Mr. Justice Ashok Kumar Gaur, (Retd.), R/o 30, Tagore Nagar, Opp. Regal Restaurant, DCM Ajmer Road, Jaipur, as an Arbitrator to decide the dispute between the parties without prejudice to the rights and contentions raised in the present application.

8. Accordingly, the Arbitration Application stands allowed. The arbitration fees shall be determined in accordance with the Fourth Schedule of the Act of 1996, as amended. The fee of the Arbitrator will be equally borne by both the parties.

9. The non-applicants are at liberty to raise all the objections during the course of argument before the arbitrator.

10. Copy of this order be sent to the appointed Sole Arbitrator.

(SANJAY K. AGRAWAL),CJ

D-A/5/Amit/RIYA