



2026:CGHC:13816



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NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****ARBR No. 20 of 2026**

M/s Shiva Enterprises Having Office At 1st Floor, 10 Jay Durga Lay Out Narendra Nagar, Nagpur 440015 Represented Through Its Partner And Power Of Attorney Holder, Shri Shyam Sunder Mudliar, S/o Late Shri Ganpat Mudliar Aged About 55 Years, R/o Plot No. 7, Madhuban Society, Manish Nagar, Nagpur Maharashtra

... Applicant(s)**versus**

1 - Union Of India Through Its General Manager, South East Central Railways, Bilaspur, Chhattisgarh

2 - Senior Divisional Electrical Engineer (Trd) South East Central Railways, Nagpur, Maharashtra

... Non-applicant(s)

For Applicant : Mr. Abhishek Vinod Deshmukh, Advocate
(through V.C.)

For Non-applicant/UOI : Mr. Ramakant Mishra, learned DSGI

Hon'ble Shri Ramesh Sinha, Chief Justice**Order on Board****23.03.2026**

1. This is an application under Section 11(6) of the Arbitration and Conciliation Act, 1996 (for short, "the Act of 1996") for appointment of an arbitrator.



2. The applicant has prayed for the following relief(s):

“a. It is respectfully prayed that this Hon'ble Court may kindly be pleased to appoint a Sole arbitrator as per the provisions of Arbitration and Conciliation Act, 1996 for resolution of the disputes referred by the Parties to the arbitration agreement contained in the Contract.

b. It is respectfully prayed that this Hon'ble Court may kindly be pleased to pass any such other order as this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case.

3. The brief facts of the case are that the applicant is a registered partnership firm engaged, inter alia, in the activity of electrical supplies and erection for Railways. The respondent No. 2 invited bids for the work of “Improvement of critical implantation of 130 nos in Durg–Nagpur Section,” and the applicant, having participated in the tender process, was declared the successful bidder, pursuant to which a Letter of Acceptance dated 25.01.2022 was issued for a contract value of Rs. 1,39,62,855.51/-. The stipulated period for completion of the work was 12 months and a formal Contract Agreement was executed between the applicant and respondent No. 2 on 09/10.05.2022. However, since inception, the work suffered delays due to reasons not attributable to the applicant, including non-availability of work fronts and delay in providing timely power blocks, as a result of which the contract period was extended from time to time, lastly up to 01.09.2023. Despite the same, the respondent, without granting extension of time (EoT), issued poor progress letters dated 12.12.2023 and 09.05.2024, followed by a 7 days’



notice dated 01.07.2024 and a 48 hours' notice dated 18.07.2024, and thereafter wrongfully terminated the contract on 22.07.2024. The applicant repeatedly requested the respondent No.2 to resolve the disputes and subsequently issued a notice for settlement dated 20.09.2024 seeking conciliation, however, no steps were taken by the said respondent, compelling the applicant to invoke arbitration vide notice dated 30.10.2024. Thereafter, the applicant again submitted its claims on 03.03.2025 and requested constitution of an arbitral tribunal comprising an independent arbitrator, preferably a retired Judge of the Hon'ble High Court, but the respondent, vide letter dated 10.03.2025, declined the said request stating that appointment of such arbitrator is beyond its jurisdiction. In view of the aforesaid circumstances and failure on the part of the said respondent to appoint an arbitrator, the applicant has no efficacious remedy except to approach this Court under Section 11(6) of the Arbitration and Conciliation Act, 1996 for appointment of an independent arbitrator, the preconditions whereof stand satisfied. Accordingly, the applicant has approached this Court for appointment of a sole Arbitrator and this Court has jurisdiction to entertain the present application.

4. Mr. Abhishek Vinod Deshmukh, learned counsel for the applicant, submits that in a similar matter, a retired Judge of the Hon'ble Court, namely Hon'ble Mr. Justice V.K. Shrivastava, has already been appointed as the Sole Arbitrator. It is, therefore, prayed that the present matter may also be referred to the arbitration of Hon'ble Mr. Justice V.K. Shrivastava, retired Judge, for fair and expeditious adjudication of the claims.

5. Learned Deputy Solicitor General, appearing for the



respondents/Union of India, opposes the present arbitration petition, however, he does not dispute the fact that in a similar matter, the dispute has been referred to the sole arbitration of Hon'ble Mr. Justice V.K. Shrivastava, retired Judge. He further submits that the present matter may also be referred to the sole arbitration of Hon'ble Mr. Justice V.K. Shrivastava for resolving the dispute between the parties.

6. I have heard learned counsel appearing for the parties, perused the pleadings and documents appended thereto.

7. In view of the above, **Hon'ble Mr. Justice V. K. Shrivastava** a retired Judge of this High Court is appointed to act as the Sole Arbitrator to resolve the dispute involved in this arbitration request between the parties.

8. The Registry is directed to communicate this order to Hon'ble Mr. Justice V. K. Shrivastava in the proper address.

9. The remuneration of the Arbitrator shall be settled with the mutual consent of the parties.

10. The arbitration request petition, accordingly, stands **allowed**.

Sd/-
(Ramesh Sinha)
Chief Justice