

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/PETN. UNDER ARBITRATION ACT NO. 211 of 2024

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PATEL ELECTRICALS
Versus
ST. DIVISIONAL MATERIAL MANAGER / RJT

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Appearance:
MR ARPIT P PATEL(5497) for the Petitioner(s) No. 1
MR CHAITANYA S JOSHI(5927) for the Respondent(s) No. 1
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CORAM:HONOURABLE THE CHIEF JUSTICE MRS.
JUSTICE SUNITA AGARWAL

Date : 10/07/2026

ORAL ORDER

1. The objection as to the maintainability of the present petition raised by Mr. Chaitanya S. Joshi, learned advocate for the respondent is that the petitioner has invoked a wrong Arbitration Clause, which is contained in the terms and conditions put up on the GeM portal, rather than the General Terms and Conditions of the contract.

2. The submission that since the Arbitration Clause forming part of the general conditions of the contract has not been invoked by the petitioner and the procedure prescribed therein has not been followed and hence the notice invoking Arbitration under Section 21 of the Act' 1996 becomes bad. However, it is admitted that there exists Arbitration Clause covering the dispute in question arising out of the agreement

between the parties.

3. There is also no dispute with regard to the notice under Section 21 of the Arbitration and Conciliation Act, 1996 received by the respondent, to which reply has been given disputing the claim of the petitioner on the premise that the Arbitration Clause forming part of the General conditions of contract has not been invoked.

4. Taking note of the above, I find it fit and proper to allow the present Arbitration Petition as there is no dispute about the existence of the Arbitration Clause covering the dispute in question.

5. Noticing the above, I proceed to pass following :

O R D E R

(i) Petition is **ALLOWED**.

(ii) Mr. Archit Prakashbhai Jani, Advocate residing at A-304, Satyamev Complex, Opp. Gujarat High Court, Sola, Ahmedabad, Gujarat 380060 having M): 9099925799 and Email: janiarchit@gmail.com is appointed as sole Arbitrator to resolve the disputes between the parties in accordance with the Arbitration Centre (Domestic and International), High Court of Gujarat Rules,

2021. Both parties would be governed by said Rules.

(iii) Registry is directed to communicate this order to the sole arbitrator forthwith by speed post. No order as to costs.

(iv) Consequently, all pending connected application/s, if any, stands disposed of.

(SUNITA AGARWAL, CJ.)

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