

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA.**Arbitration Case No. 213 of 2025****Date of decision: 28.11.2025**

S. S. Builders	...Petitioner
Versus	
State of H. P. & Ors.	...Respondents

*Coram****The Hon'ble Mr. Justice G. S. Sandhawalia, Chief Justice.****Whether approved for reporting?***For the Petitioner :** Mr. Suneet Goel, Senior Advocate with Mr. Vivek Negi, Advocate.**For the Respondents:** Mr. Rupinder Thakur, Additional Advocate General.**G. S. Sandhawalia, Chief Justice (Oral)**

The present petition has been filed for appointment of an Arbitrator under Section 11(6) of the Arbitration and Conciliation Act, 1996.

2. The requisite notice dated 22.04.2025 (Annexure P-5) as such was sent as per Clauses 24 and 25 of the General Conditions of Contract (**GCC**) regarding the dispute arising out of the upgradation of Thunag-Lamasafar Road, Km.0/000 to 6/780 and improvement of the same including the ancillary works. The petitioner as such had nominated three persons out of which respondents have been given option as such, to choose for.

3. The petition as such has been opposed by filing the reply *firstly* on the ground of limitation that the alleged cause of action arose in the year 2017-18 but it is admitted that vide 3rd

and final bill dated 25.04.2023 a sum of Rs. 32,47,285/- has been paid to the petitioner.

4. In such circumstances, this Court is of the considered opinion, keeping in view the fact that the parties have agreed to resolve the dispute by way of arbitration, the matter is liable to be settled by way of the forum which the parties had agreed to resolve the matter by way of arbitration.

5. Accordingly, Mr. L. N. Sharma, District & Sessions Judge (Retd.), R/o Lakshmi Niwas, Near GSSS Girls, Solan, H.P. is appointed as Arbitrator to adjudicate the dispute between the parties, after his disclosure in writing is obtained in terms of Section 11(8) of the Act and only after receipt thereof, his appointment, as an Arbitrator, shall come into force.

6. On his giving consent to arbitrate the dispute between the parties as an Arbitrator, Mr. L. N. Sharma, District & Sessions Judge (Retd.) shall enter into reference, and shall pass an award in accordance with law.

7. Copy of this order be furnished to the learned counsel for the parties and also be furnished to the learned Arbitrator. The learned Arbitrator so appointed shall be entitled to fee as per stipulation contained in 4th Schedule appended to the Arbitration and Conciliation Act, 1996.

8. Accordingly, the petition is disposed of so also pending applications, if any.

(G. S. Sandhawalia)
Chief Justice

28th November, 2025_(sanjeev)