

**IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA****Arb. Case No.304 of 2025****Date of Decision:- 08.05.2026**

M/s Him Electrical**....Petitioner****Versus****Chief Engineer (OP) South & another****....Respondents**

*Coram****The Hon'ble Mr. Justice G.S. Sandhawalia, Chief Justice***

Whether approved for reporting?¹

For the Petitioner : Mr. Sumeet Raj Sharma, Advocate.

For the Respondents : Mr. Saurabh Katoch, Advocate, for
Ms. Vandana Misra, Advocate.

G.S. Sandhawalia, Chief Justice (Oral).

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

2. A perusal of the record would go on to show that the notice for invoking Arbitration clause for appointment of Arbitrator was issued on 12.02.2024 (**Annexure P-2**) for adjudication of disputes pertaining to the work nomenclature as Providing, Design, Manufacturing, Assembly, Supply, Erection, Testing & Commissioning of one number incoming & 4 numbers outgoing 22 KV feeders at proposed 22 kV control point at Kingal (Bhareri), Tehsil Kumarsain, District Shimla, Himachal Pradesh.

¹ Whether reporters of Local Papers may be allowed to see the judgment?



3. In the reply, it is stated that no response has been received and the petition which has now been opposed on various grounds including that time was the essence of the Contract and the completion of work was delayed and reminder had been issued on 27.10.2017 for timely completion and the work was only completed on 24.12.2020.

4. In paragraph 9 of the reply, it has also been admitted that the amount of Rs.3,00,000/- of the retention money would be released on completion of all codal formalities as per letter dated 12.01.2024. It is thus apparent that the respondents are also withholding some amount as such and the matter is thus liable to be resolved by way of an Arbitrator as per the terms & conditions of the agreement entered into between the parties regarding which there is no dispute as such since the only issue is whether there is live arbitrable dispute between the parties.

5. Resultantly, the application is allowed and Sh. Rajiv Sharma, (former Judge, Punjab & Haryana High Court at Chandigarh) R/o House No.505, Sector 38-B, Chandigarh is appointed as an 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, Sh. Rajiv Sharma (former Judge) 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 application is disposed of alongwith pending miscellaneous application(s), if any.

8th May, 2026
(Munish Thakur)

(G.S. Sandhwalia)
Chief Justice