

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Arbitration Application No. 7/2026

M/s Fabro Forge, Having Its Office At 56, Metcalf Street, 4Th Floor, Room No. 4H, Kolkata- 700013, Through Its Duly Authorized Representative- Mr. Subhash Kumar Kedia.

-----Petitioner

Versus

Union Of India, Through Chief Engineer/tp, North- Western Railway, Jaipur.

-----Respondent

For Petitioner(s)	:	Ms. Sukriti Kasliwal with Ms. Tisha Sharma
For Respondent(s)	:	Mr. V.P. Mathur

HON'BLE THE ACTING CHIEF JUSTICE MR. SANJEEV PRAKASH SHARMA

Order

08/05/2026

1. Heard.
2. This application has been filed under Section 11 of the Arbitration and Conciliation Act, 1996 (for short 'the Act of 1996') seeking appointment of fresh Arbitrator stating that the Arbitrator appointed earlier by this Court has lost its mandate in terms of Section 29A(4) of the Act of 1996.
3. This Court noticed that the issue with regard to the earlier Arbitrator having lost its mandate, as alleged by the applicant, has not been accepted by the Commercial Court in its judgment dated 16.09.2025. Moreover, no application was moved under Section 29A of the Act of 1996 before this Court declaring the concerned Arbitrator of having lost its mandate. These aspects are

admittedly, pending before the Court in Civil Writ Petition No.2085/2025.

4. In view thereto, the present application under Section 11 would not be maintainable at this stage.

5. Accordingly, the application is dismissed.

(SANJEEV PRAKASH SHARMA),ACTING CJ

SANJAY KUMAWAT/RAJAT/35