

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 7531/2026

M/s. Rathore Contractor

-----Petitioner

Versus

The Project Director, Rajasthan Health And Development Project

-----Respondent

For Petitioner(s) : Mr. Surendra Singh

For Respondent(s) :

HON'BLE MR. JUSTICE BIPIN GUPTA

Order

28/04/2026

1. The present writ petition has been filed assailing the order dated 01.04.2026, passed by learned Commercial Court No.2, Jaipur Metropolitan-II, in Case no. 29/2026, whereby the execution petition filed by the claimant-petitioner for enforcement of the arbitral award dated 27.04.2025 has been rejected suo-moto on the ground of unilateral appointment of the Arbitrator.
2. Learned counsel for the petitioner submits that the petitioner was a contractor, and the respondent itself had appointed the Arbitrator from its panel. He contends that the petitioner participated in the arbitral proceedings without raising any objection to the appointment of the Arbitrator, and therefore, any objection under Section 12 of the Arbitration and Conciliation Act, 1996 stood waived.
3. Learned counsel for the petitioner further submits that, thereafter, the arbitral award was passed, and the petitioner filed an execution petition for its enforcement. However, the learned executing Court, without considering the material aspect that the

Arbitrator was appointed by the respondent and that the petitioner had participated in the proceedings without challenging the validity of such appointment, has illegally rejected the execution petition.

4. Heard.

5. Let notice be issued to the Respondent No. 1 and 2. Rule is made returnable within a period of four weeks.

6. '*Dasti*' permitted.

7. List after four weeks'.

(BIPIN GUPTA),J