

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 8228/2026

M/s Khodal Corporation, Viramgam, 7, Ramnagar Society, Ioc Colony Road, Viramgam - 382150 Gujarat, India Through Its Power Of Attorney Holder Shri Shubham Hareshbhai Patel Aged Around 26 Years S/o Shri Hareshbhai Patel, R/o Viramgam, 7, Ramnagar Society, Ioc Colony Road, Viramgam - 382150 Gujarat

-----Petitioner

Versus

1. West Central Railway, Through Its General Manager, Head Quarter Office, Opposite Indira Market, Jabalpur, Madhya Pradesh - 482001
2. Chief Administrative Office (Construction), Western Central Railway, Head Quarter Office, Opposite Indira Market, Jabalpur, Madhya Pradesh - 482001
3. Chief Project Manager (Cpm), West Central Railways, Drm Office, Kota, Rajasthan - 324002.
4. Deputy Chief Engineer (Construction-Iii), West Central Railways, Construction Office, Beside Drm Office, Bhopal, Habibganj, 462024.

-----Respondents

For Petitioner(s)	:	Mr. O.P. Singh Tanwar with Ms. Rajeshwari Tanwar Mr. Adesh Arora
For Respondent(s)	:	Mr. Bharat Vyas, ASG via VC with Mr. C.S. Sinha, Mr. Mayank Kamwar

HON'BLE MR. JUSTICE SAMEER JAIN

Order

08/05/2026

On 17.04.2026, in the first round of litigation with a liberty being granted to the petitioner therein, the petition was disposed on account of availability of efficacious alternate remedy and the

fact that no averment was made in the writ petition qua the independence of arbitrator.

Learned counsel for the petitioner has relied upon the judgments passed by the Apex Court as reported in **2025 (4) SCC 641** titled as **Central Organisation For Railway Electrification Vs. ECI SPIX SMO MCML (JV)**, and **Subodh Kumar Singh Rathore Vs. Chief Executive Officer & Ors.** reported in **2024 SCC OnLine SC 1682**.

Learned ASG, counsel for the respondent has submitted that it is undisputed that recently the Hon'ble Supreme Court has held that if the arbitrator who has been appointed is not being an independent arbitrator, the proceedings cannot be entertained therein. However, as per the provisions of the Arbitration & Conciliation Act, 1996, which is a self-contained Act, petitioner is at liberty to take recourse under Section 11 or Section 9 for interim measure or appointment of Arbitrator for redressal of his dispute.

It is submitted that the present petition need not be entertained by this Court as the disputed question of facts, determination as to which party has caused delay in the arbitration proceedings, are not amenable to the jurisdiction of a writ court.

Heard the submissions made by the learned counsel for the parties, perused the material available on record, and taking note of the judgments cited at the Bar, this Court is of a view that the instant petition ought not to be entertained by this Court as there is a categorical arbitration clause, the dispute is ought to be resolved by an alternate dispute redressal mechanism only. In this

regard, ratio encapsulated in **Kisan Sahkari Chini Mills Ltd. & Ors vs Vardan Linkers & Ors. : AIR 2008 SUPREME COURT 2160**, and **UNITECH Limited & Ors. Vs. Telangana State Industrial Infrastructure Corporation (TSIIC) & Ors.** reported in **2021 SCC Online SC 99** passed in **Civil Appeal No.317/2021**, can be considered.

Accordingly, the present petition is dismissed, for availability of alternate dispute redressal mechanism. Pending applications, if any, stand disposed. It is cautiously made clear that this Court has not commented anything on merits/demerits of the case.

(SAMEER JAIN),J