



2026:UHC:4063

IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

HON'BLE THE CHIEF JUSTICE SHRI MANOJ KUMAR GUPTA

22ND MAY, 2026

ARBITRATION APPLICATION No. 32 OF 2025

M/s Woodhill Infrastructure Ltd.

...Applicant

Versus

Superintending Engineer.

...Respondent

Counsel for the applicant. : Mr. Aaryav Mehra, learned counsel.

Counsel for the respondent. : Mr. B.S. Parihar, learned Additional Chief
Standing Counsel for the State of
Uttarakhand.

ORDER :

1. On 27.03.2026, the following order was passed :

1. *Mr. Rohit Arora, learned counsel for the applicant.*
2. *Mr. B.S. Parihar, learned Additional Chief Standing Counsel for the State.*
3. *Under the arbitration clause the arbitration has to be done by arbitral tribunal consisting of three arbitrators, one each to be appointed by the employer and the contractor and, the third arbitrator to be chosen by the two arbitrators so appointed by the parties. The applicant has appointed its arbitrator and has conveyed the same to the respondent vide notice dated 14.02.2025. However, the respondent has not appointed its arbitrator so far on the pretext that work is not complete and that the applicant owes certain amount to the department.*
4. *The submission of learned counsel for the applicant is that the said plea could form subject matter of arbitration but on the said ground the respondent cannot refuse to appoint its arbitrator.*
5. *The submission appears to have force.*
6. *By way of last opportunity two weeks' time is granted to the respondent-department to name its arbitrator so that the two arbitrators appointed by the parties may appoint a presiding arbitrator and the arbitration could commence.*
7. *Learned State counsel Mr. B.S. Parihar undertakes to communicate the instant order to the respondent so that necessary action is taken by the next date. He will also obtain instructions in this regard from the department and inform the Court accordingly.*
8. *List after three weeks.*



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2. In compliance of the said order, the Department has appointed K.P. Joshi, Chief Engineer Level-1 (Retd.), PWD, resident of Nawabi Road, Haldwani, Nainital as its Arbitrator. Under the agreement, the two named Arbitrators have to appoint a Presiding Arbitrator.

3. As the parties have appointed their Arbitrators, the application is disposed of, by providing that the two named Arbitrators shall now appoint a Presiding Arbitrator, and the Arbitral Tribunal so constituted shall proceed to adjudicate the dispute between the parties.

4. All pending applications stand disposed of accordingly.

MANOJ KUMAR GUPTA, C.J.

Dt: 22nd May, 2026
Rahul