



2026:UHC:3556

IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

HON'BLE THE CHIEF JUSTICE MR. MANOJ KUMAR GUPTA

ARBITRATION APPLICATION NO. 34 OF 2025

08th MAY, 2026

M/s S. Kumar & Company & anotherapplicants/Petitioners

Versus

State of Uttarakhand & others Respondents

Counsel for the applicants : Mr. Nagesh Aggarwal, learned counsel

Counsel for the respondents : Mr. J.C. Pande, learned Standing Counsel for the State

The Court made the following:

JUDGMENT:

1) The present application has been filed for appointment of an Arbitrator to decide the disputes and differences between the parties.

2) Under the agreement, the Commissioner, Garhwal Mandal, Pauri is to act as sole Arbitrator. It seems that when the claim was filed before him, he by communication dated 23.07.2024, addressed to Secretary, Urban Development Vibhag, Uttarakhand Administration, Dehradun conveyed to him the fact that he was Mela Adhikari during the relevant period and, therefore, someone else should be appointed as an



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Arbitrator or the other alternative is that the parties may get an Arbitrator appointed by the High Court. Since no action was taken on basis of the said communication by the State Government, therefore, the present application came to be filed.

3) Learned State Counsel very fairly states that he has no objection in case the Government is directed to appoint an Arbitrator in pursuance of the letter of the Commissioner, Garhwal Mandal, Pauri dated 23.07.2024.

4) Learned counsel for the applicants is also agreeable to the same. Accordingly, the application under Section 11(6) of the Arbitration and Conciliation Act, 1996 is disposed of directing the State Government to appoint an Arbitrator other than Mr. Vinay Shankar Pandey, who was Mela Adhikari during the relevant period. The appointment of Arbitrator by the State Government shall be made within four weeks from the date of communication of the instant order.

5) Pending application(s), if any, also stands disposed of.

MANOJ KUMAR GUPTA, C.J.

Dt: 08TH MAY, 2026
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