Sr. No.02

IN THE HIGH COURT OF JAMMU & KASHMIR AND LADAKH AT SRINAGAR

Arb P No.26/2026

M/s Manoj Ji and Company Pvt. Ltd. …Petitioner(s).

Through: Mr. Areeb Javed Kawoosa, Advocate.
Mr. Aatir Javed Kawoosa, Advocate.

Vs.

Union of India and another. ….Respondent(s)

Through: Ms. Masooda Jan, Sr. Advocate, with
Ms. Nazima Maqbool, Advocate, and
Ms. Pariha Zafar, Advocate.

CORAM:
HON'BLE THE CHIEF JUSTICE

O R D E R
20.11.2026

1. The present petition has been filed under Section 11(6) of the Arbitration and Conciliation Act, 1996, seeking appointment of an arbitrator.

2. The petitioner being a Private Limited Company incorporated under the Companies Act, engaged in the construction business, entered into an agreement dated 15.03.2016 with the respondent Northern Railway for handling, transportation and delivery of goods booked for conveyance from Udhampur Railway Station to Srinagar National Rake Point. Under the terms of the agreement, the contract was initially operative from 02.11.2015 to 01.11.2018. It is submitted that despite successful execution of the contractual obligation and completion of transportation assignment entrusted to the applicant, substantial payments to the tune of Rs.64.80 lacs towards the Cartage and transportation charges has been withheld by the respondents and in addition thereto an amount of Rs.34.00 lacs deposited as security deposit continues to remain with the respondents. Further, it is submitted that despite repeated requests for release of the amount, the same

has not been released in favour of the petitioner. During the currency of the contract, criminal investigation was launched and subsequently dropped against the petitioner. Accordingly, a dispute is alleged to have arisen between the parties and the petitioner while invoking the arbitration clause served a legal notice dated 05.04.2026 upon the respondents seeking constitution of the arbitral tribunal. On failure of the respondents to accede to the request of the petitioner, the petitioner has approached this Court in terms of Section 11(6) of the Arbitration and Conciliation Act.

3. On notice of the petition to the respondents, they filed their objections stating therein that the petition being barred by time is not maintainable. Learned Senior counsel for the respondents vehemently disputes/denies the claim that is sought to be made by the petitioner. It is urged that the claim of the petitioner is apparently misconceived and untenable, and thus deserves to be rejected. However, the existence of the arbitration clause, as aforesaid, and its invocation by the petitioner is not disputed. She, accordingly, submits that let an arbitrator be appointed but the respondents be granted liberty to raise all possible pleas in this regard before the arbitrator.

4. Accordingly, in the wake of the position sketched out above and in terms of the statement made by the learned counsel for the respondents, the petition is allowed. And, with consent of learned counsel for the parties, Mr. Javed Iqbal Wani, Former Judge High Court of Jammu & Kashmir and Ladakh, is appointed as the sole arbitrator. Who shall proceed with the matter in accordance with the provisions of the Act. And to make an award within the time provided in the Act itself after charging the prescribed fee along with incidental expenses to be shared by the parties. The respondents are at liberty to raise all the possible pleas/ objections as regards the subject matter before the learned Arbitrator.

5. Registry to send a copy of this order to the learned arbitrator

(DR. PUSHPENDRA SINGH BHATI)
CHIEF JUSTICE

Srinagar
20.11.2026
Abdul Qayoom, Secy.

Abdul Qayoom Lone
I attest to the accuracy and
authenticity of this document

20.11.2026 15:02