

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. _____/2026
(@ SLP(C) No. 21666/2026)

SRS BUILDING MATERIAL SUPPLIER APPELLANT(S)

VERSUS

M/S S.B. ASSOCIATES RESPONDENT(S)

O R D E R

1. Leave granted.
2. Though the High Court, by way of the impugned order dated 10.04.2026, opined that there was no arbitration agreement between the parties and refused to exercise power and jurisdiction to appoint an Arbitrator under Section 11 of the Arbitration and Conciliation Act, 1996¹, we find that the arbitration clause in the present case reads as under:-

“Any dispute or difference between the parties arising out of or touching upon the conditions covered under this agreement may be settled amicable by the Managing Director /Partner/Proprietor of Party-A and Party-B. in the event of disagreement, they may refer such

1 For short ‘1996 Act’

dispute/differences Sole Arbitrator if the parties in dispute so agree, other wise on arbitrator nominated by each of the Party. In the case of defences of opinion between them the decision of the umpire selected by them and the proceedings conducted as per Arbitration and Conciliation and binding on both the parties. However, the progress of the work will not be affected during arbitral proceedings or dispute resolving period."

3. We are of the opinion that the High Court was not justified in inferring an element of choice as to whether or not to arbitrate as such choice seems to have been contemplated only in the context of either deciding upon a sole Arbitrator or in the event of failure in that regard, each party nominating a separate Arbitrator to represent it.
4. The appeal is allowed, setting aside the impugned order passed the by High Court of Punjab & Haryana at Chandigarh. In consequence and keeping in mind the quantum of the claim raised by the appellant, which would be the subject matter of the arbitration proceedings, we appoint Ms. Kamini Lau, former District Judge, Delhi Higher Judicial Service, Delhi, to act as the sole Arbitrator to resolve the disputes *inter se* the parties.
5. The learned Arbitrator shall file her declaration/disclosure, in terms of Section 12 of the 1996 Act, within a period of fifteen days from the date a copy of this order is received by her. She shall be entitled to the fees prescribed under the Fourth Schedule to the 1996 Act.

6. Pending application(s), if any, shall stand disposed of

.....J.
(SANJAY KUMAR)

.....J.
(SANJEEV SACHDEVA)

NEW DELHI;
SEPTEMBER 24, 2026.

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition for Special Leave to Appeal (C) No. 21666/2026

[Arising out of impugned final judgment and order dated 10-04-2026 in ARB No. 0780/2025 passed by the High Court of Punjab & Haryana at Chandigarh]

SRS BUILDING MATERIAL SUPPLIER

Petitioner(s)

VERSUS

M/S S.B. ASSOCIATES

Respondent(s)

FOR ADMISSION

Date : 24-09-2026 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KUMAR
HON'BLE MR. JUSTICE SANJEEV SACHDEVA

For Petitioner(s) Mr. Jitesh Malik, Adv.
 Mr. Jatin Hooda, Adv.
 Mr. Vikash Kumar, Adv.
 Mr. Abhaya Nath Das, Adv.
 Mr. Piyush Sharma, Adv.
 Mr. Satish Kumar, AOR

For Respondent(s) Mr. Parth Yadav, AOR
 Mr. Akash Yadav, Adv.
 Ms. Mani Munjal, Adv.

UPON hearing the counsel, the Court made the following
O R D E R

Leave granted.

The appeal is allowed in terms of the signed order.

Pending application(s), if any, shall stand disposed of.

(BABITA PANDEY)
AR-CUM-PS

(PREETI SAXENA)
COURT MASTER (NSH)

(Signed order is placed on the file)