

ORDER SHEET

IN THE HIGH COURT AT CALCUTTA
COMMERCIAL DIVISION
ORIGINAL SIDE

AP-COM/316/2026
[Old No.AP/218/2022]

HARIOM PROJECTS PVT LTD.
VS
MILITARY ENGINEER SERVICES AND ANR

BEFORE:
The Hon'ble JUSTICE GAURANG KANTH
Date : 15th July, 2026.

Appearance:
Mr. Shamik Sanjanwala, Adv. (V.C)
Ms. Aritri Chakraborty, Adv.
Mr. Anindya Kanan, Adv.
...for the petitioner

Mr. Atarup Banerjee, Adv.
Mr. Rajdeep Pramanik, Adv.
...for the respondents

The Court: Affidavit-in-opposition is taken on record.

The present application has been filed under Section 11(6) of the Arbitration and Conciliation Act, 1996 seeking appointment of a sole Arbitrator to adjudicate the disputes and differences that have arisen between the parties under and in connection with the Agreement/Work Order dated 30th August, 2013.

Learned Counsel appearing for the petitioner submits that the respondent had invited tenders for carrying out addition and alteration works to certain technical buildings (PEB) at the Air Force

Station, Bagdogra. It is submitted that the petitioner's bid was accepted by the respondent by the Chief Engineer's letter dated 30th August, 2013 and a work order of the same date was issued in favour of the petitioner for execution of the said works at a contract value of Rs.5,46,00,000/-. Pursuant thereto, the parties entered into the aforesaid contract incorporating the General Conditions of Contract contained in IAFW-2249, including Condition 70 providing for resolution of disputes through arbitration.

Learned Counsel for the petitioner further submits that disputes and differences subsequently arose between the parties in relation to the execution of the said contract. In view thereof, the petitioner invoked the arbitration agreement by issuing a notice dated 10th October, 2019 under Section 21 of the Arbitration and Conciliation Act, 1996 calling upon the respondent to concur in the appointment of an Arbitrator in terms of Condition 70 of IAFW-2249, which forms an integral part of the contract.

Learned Counsel appearing for the respondent fairly submits that the respondent does not dispute the execution of the work contract dated 30th August, 2013 or the existence of the arbitration agreement contained in Condition 70 of IAFW-2249 forming part of the contractual terms and conditions.

The parties have consented to the appointment of the Arbitrator and have jointly suggested the name of Mr. Arvind Kumar Arora (Retired), DG (Personal), MES to be appointed as the Arbitrator to adjudicate the disputes between the parties.

With the consent of the parties, Mr. Arvind Kumar Arora (Retired), DG (Personal), MES (Mob No.8130588577) is appointed as the sole Arbitrator to adjudicate the disputes between the parties.

The learned Sole Arbitrator shall enter upon the reference making the disclosure required under Section 12(1) and in due compliance with Section 12(5) of the Act.

The learned Sole Arbitrator shall fix his remuneration in terms of the Fourth Schedule of the Act or as may be mutually agreed between the parties.

A copy this order shall be communicated to the learned Sole Arbitrator to take necessary steps.

It is clarified that all questions relating to the arbitrability of the disputes, the admissibility of the claims, limitation, jurisdiction, and all other issues are left open to be urged before the learned Sole Arbitrator, who shall decide the same in accordance with law.

With the aforesaid directions, the present petition stands disposed of.

(GAURANG KANTH, J.)