S. No. 3

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH**
**AT JAMMU**

**CJ Court**

Case No: Arb P No. 131/2026
CM No. 8312/2026
CAV No.2545/2026

Union of India & anr. …Petitioner(s)/Appellant(s)

Through: Mr. Sumant Sudan, Advocate vice
Mr. Vishal Sharma, DSGI.

v/s

M/S Pushpak Industries …. Respondent(s)

Through: Mr. Sumit Moza, Advocate.

**CORAM: HON'BLE THE CHIEF JUSTICE**

**ORDER**
**27.11.2026**

**(ORAL)**

**CAV No.2545/2026**

With the appearance of learned counsel for the caveator, CAV No.2545/2026 shall stand discharged.

**Arb P No. 131/2026**

01. The present petition has been filed by the petitioners, under Section 14(2) read with Sections 11(6) & 15(2) of the Arbitration and Conciliation Act, 1996, (for short '**the Act**'), seeking appointment of a substitute Arbitrator, in place of earlier Arbitrator.

02. The concise facts of the case are:

(i) The respondent, being the successful bidder, vide HQCEUZ letter no. 87886-AY/23/E8 dated 11.04.2022, was allotted the

contract, for an amount of ₹80,79,200.00, bearing No. CEUZ/DHR/02/2022-23 for Provn of Steel Furniture for construction of KLP for AD REGT and its affiliated WKSP (PH-I of II) at Dhar road Udhampur.

And, the work order issued, vide No. 8068/CEUZ/UDH-02/08/E8 dated 16.06.2022, reflected the requisite norms as:

| | |
|---|---|
| 'Period of completion | 12 months |
| Date of handing over of site | 20 Jun 2022 |
| Date of commencement of work | 20 Jun 2022 |
| Date of completion of work | 19 Jun 2023' |

(ii) The respondent had failed to meet the designated deadline allegedly due to some unavoidable impediments. And, after obtaining extensions initially for a period of 57 days and, thereafter, for 26 days, the respondent completed the contract on 16.11.2023. The acknowledgement of the completion of work done was received vide No. 8068/CEUZ/UDH-02/99/E8 dated 22.11.2023. The respondent, finally, vide communication dated 23.12.2025, while invoking the arbitration clause contained in Chapter 4 Clause 37 of GCC IAFW-1815Z, issued notice to the petitioners, seeking appointment of an independent arbitrator for reference of the disputes that has arisen between the parties and, thereafter, filed an application bearing Arb P No. 38/2026 before this court seeking appointment of Arbitrator and this court vide order dated 08.05.2026, allowed the application and appointed

Sh. M K Hanjura (Former High Court Judge, High Court of J&K and Ladakh) as the sole arbitrator. However, the learned Arbitrator, vide CM No. 3220/2026 (in Arb P No.38/2026), conveyed his inability to this court to arbitrate the matter. Vide order dated 10.07.2026, this court, in view of the submissions made in the application and the nature of claim involved, appointed Mr. Anil Khajuria, Advocate as Sole Arbitrator in the case, who was to proceed with the arbitration process, in accordance with the provisions of the Act.

(iii) It is averred that as per the condition of the Arbitration Clause i.e. Clause 37 of GCC IAFW 1815-Z, the arbitrator has to be 'a serving officer having degree in Engineering or equivalent or having passed final/direct final examination of sub-division II of Institution of Surveyor (India) recognized by the Govt. of India.

(iv) Hence, in view of requirement of technically qualified person to be the Arbitrator, in the case, as per the condition of Arbitration Clause i.e. Clause 37 of GCC IAFW 1815-Z, the present petition has been filed, seeking substitution of the Arbitrator, earlier appointed by this court, on 10.07.2026.

03. Heard. Notice.

04. Mr. Sumit Moza, learned counsel, who appears on behalf of respondent, accepts notice.

05. Learned counsel for the respondent, fairly, submits that as the petitioners seek substitution of an arbitrator, as the disputes require

arbitration by a technically qualified person, therefore, he has no objection in case the petition is allowed and an independent arbitrator, having requisite technical experience, be appointed as sole arbitrator.

06. With consent of the learned counsel for the parties, let an Arbitrator having requisite technical experience be substituted in place of already appointed arbitrator.

07. The petition is allowed. **Sh**. **Widyoot Kumar Pradhan, retired Chief Mechanical Engineer (DRM) Indian Railways,** is substituted as the new 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 parties are at liberty to raise all the objections as regards the subject matter before the newly substituted Arbitrator.

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

**(DR. PUSHPENDRA SINGH BHATI)**
**CHIEF JUSTICE**

**Jammu:**
27.11.2026
Raj Kumar



Raj Kumar
2026.11.27 15:07
I attest to the accuracy and
integrity of this document