

HIGH COURT OF SIKKIM : GANGTOK
Record of Proceedings

Arb. P. No. 1/2026

SWADHI HEALTH MANAGEMENT LLP

PETITIONER (S)

VERSUS

STATE OF SIKKIM

RESPONDENT (S)

For Petitioner(s) : Mr. Munawwar Naseem, Mr. Bhusan Nepal and Ms. Namrata Mohapatra, Advocates.
Dr. Gaurav Kumar, Petitioner-In-Person.

For Respondent(s) : Mr. Aarohi Bhalla, Additional Advocate General with Mr. Thinlay Dorjee Bhutia, Government Advocate and Mr. Sujan Sunwar, Assistant Government Advocate.

Date: 31/03/2026

CORAM:

HON'BLE MR. JUSTICE A. MUHAMED MUSTAQUE, CHIEF JUSTICE

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ORDER

This arbitration petition is listed for hearing today. The parties could not reach a consensus with regard to the appointment of a Sole Arbitrator. Though, learned Counsel for the Petitioner submitted a list of Arbitrators, the learned Additional Advocate General appearing for the State could not accede to the proposal.

The subject matter of the contract falls within the State of Sikkim. The venue is also within the State of Sikkim. There is no dispute with regard to the arbitration agreement. Though there is no mention about the seat of arbitration, considering the subject of the contract, it has to be assumed that the seat of arbitration is in the State of Sikkim.

Having considered the rival arguments and taking note of the fact that the subject of the contract is within the State of Sikkim, it is appropriate to appoint a neutral person from the State of Sikkim as an Arbitrator. It is also to be noted that the Respondent-State and its officials would be available easily if the arbitration takes place within the State of Sikkim.

Accordingly, the arbitration petition is allowed.

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Mr. Karma Thinlay Namgyal, learned Senior Advocate, is appointed as the Sole Arbitrator subject to Mr. Karma Thinlay Namgyal declaring within seven (07) days, from the date of receipt of copy of this order that none of the declarations referred to in the seventh schedule apply or disable him from being appointed as an Arbitrator in this matter.

The fees of the Arbitrator shall be in accordance with the fourth schedule of the Arbitration and Conciliation Act, 1996.

The Registry shall facilitate the conference hall in the High Court of Sikkim for holding the arbitration. Registry shall also facilitate video conferencing in the said conference hall.

The learned Arbitrator shall allow the parties to appear online unless their physical appearance is indispensable.

Ordered accordingly. This Arbitration Petition, being, ***Arb.P.No.1 of 2026***, is disposed of.

Chief Justice

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