

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

Arb P No.61/2024

**M/s Ve Lifts Private Limited,
33, Gobind Vihar Baltana,
Zirakpur, Punjab.**

....Petitioner(s)/Appellant(s)

Through its Managing Director
Mr. Ajay Sharma, age 70 years,
S/O Sh. O. P. Sharma

R/o 33, Gobind Vihar Baltana, Zirakpur, Punjab

Through :- Mr. Rudhar Partap Singh, Advocate.

V/s

**1. Government Medical College, Jammu
through its Principal & Dean.**

....Respondent(s)

2. Public works Department (R&B), Jamm

Through its Chief Engineer Mechanical
Engineering Department Public Works
Department (R&B), Jammu.

3. Executive Engineer

Mechanical Health and Central Heating Division,
Government Medical College and Hospital Jamm

Through :- Mr. Raman Sharma, AAG.

CORAM: HON'BLE THE CHIEF JUSTICE

ORDER

27.12.2024

1. The present petition has been filed by the petitioner seeking appointment of an independent Arbitrator under Section 11(6) of the J&K Arbitration and Conciliation Act, 1996, to resolve the dispute that has arisen between the parties.

2. According to the petitioner, the petitioner is a private company engaged in the business of Lifts & Elevators.

3. It is averred in the petition that three works have been allotted to the petitioner by the respondent no.3 vide work order no. MHDJ/DB/2014-15/WO/3109-14 on 14.02.2015 for Modernization/Upgradation of 01 NO Kone make bed elevator (26 passenger) installed at new Emergency, GMCH, Jammu),

MHDJ/DB/2016-17/WO/1301-06 dated 17.03.2017 (For Design, Supply, Installation, Testing and Commissioning of 1 no.26 passenger bed elevator to replace old and worn out elevator including allied works on turn key basis at GMCH Jammu.), MHDJ/DB/2014-1/WO/3109-14 dated 14.02.2015 (for Design, Supply, Installation, Testing and commissioning of one no. 26 passengers (1768 Kgs) Stainless steel moon rock finish elevator Gearless machine). It is averred in the petition that after successful completion of works the petitioner submitted the bills for payment but much to the displeasure of the petitioner, the respondents have not released the full payments in favour of the petitioners despite several reminders. That the petitioner vide legal notice dated 30.03.2024 invoked the clause 21 of the contract agreement for work order No. MHDJ/DB/2022-23/WO/272-78, Clause 22 of the contract agreement for work order no.MHDJ/DB/2016-17/WO/1301-06 and Clause 21 of the contract agreement for work order no. MHDJ/DB/2014-15/WO/3109-14 and requested the respondent no.2 for reference of disputes to the independent arbitrator but to no avail.

4. The above inaction on the part of the respondents compelled the petitioner to file the present petition for appointment of an independent arbitrator.

5. Objections stand filed on behalf of respondents in which they have admitted the disputes which have been raised by the petitioner in this petition, wherein the respondents have contended that for all the work executed by the petitioner firm a total amount of Rs. 5324185 has been made by the respondents and a balance amount of Rs.5,77,500/- against the bill is lying pending with the office of Accountant General, Jammu.

6. Heard Mr. Rudhar Partap Singh, learned counsel appearing for the petitioner. Also heard Mr. Raman Sharma, learned AAG, for the respondents.

7. Admittedly, there is a dispute between the parties as well as the existence of arbitration clause.
8. Page 76 of the petition is the legal notice sent to the respondents requesting the respondents to refer the disputes to the sole arbitrator.
9. Thus, in view of the fact that there is dispute which is admitted by the respondents in their objections, I, accordingly, dispose of this petition by appointing ***Ms. Deepika Mahajan, Advocate, C/O 50/2 Extension, Trikuta Nagar, Jammu, Mobile:9419182639*** to act as the sole Arbitrator who shall proceed in the matter to decide the dispute between the parties and make an award in accordance with law after hearing the parties and charging the prescribed fee along with incidental expenses to be shared by the parties.
10. Respondents are at liberty to raise any objections before the Arbitrator.
11. Registry to inform the Ld. Arbitrator accordingly.
12. With the above observation and direction, the petition stands disposed of.

Jammu:
27.12.2024
Anil Sanhotra

(Tashi Rabstan)
Chief Justice