

HIGH COURT OF CHHATTISGARH, BILASPUR**ARBA No. 67 of 2016**

- Meinhardt Singapore Pte. Ltd. (India Branch) Having Its Corporate, Office At A-8, Sector-16, Noida 201301, U P, Represented Through Arun Kumar Gupta, Aged About 71 Years, S/o Late Shri M.K.Gupta, Director Contracts

---- Applicant**Versus**

- Bilaspur Municipal Corporation Through Its Commissioner, Vikas Bhawan, Nehru Chowk, Bilaspur Civil And Revenue District- Bilaspur, Chhattisgarh- 495001

---- Respondent

For Applicant	:	Shri Mukesh Sharma, Advocate
For Respondent	:	Shri A.S. Kachhawaha, Advocate

Hon'ble Shri Deepak Gupta, Chief Justice**Order on Board****27.01.2017**

1. The applicant has filed this application under Section 11 (6) of the Arbitration and Conciliation Act, 1996 (for short, 'the Act') for appointment of Arbitrator.
2. The undisputed facts are that the petitioner was appointed as "Consultant" for preparation of DPR of Storm Water Drainage System in the city of Bilaspur. According to the petitioner, he has not been paid his dues as per the terms of the agreement.
3. The stand of Municipal Corporation, Bilaspur is that as per the terms of the contract, 75% has already been paid to the applicant and 25% is to be paid after approval by the Union of India. The second stand of the Corporation is that now the claimant is claiming 1.18% of 333.93 crores, whereas the cost of the project was 37.53 crores and it was to be paid only 1.18% of this amount i.e. 37.53 crores. These by themselves are disputes arising out of the contract. They cannot be decided in proceedings under Section 11(6) of the Act. These

disputes will have to be decided by the Arbitrator. Whether any amount is payable to the applicant or what amount is to be payable is for the Arbitrator to decide. As per the terms of the Arbitration Clause one Arbitrator is to be appointed by each side and third by the mutual agreement of the parties. The parties agree that to reduce costs one Arbitrator may be appointed by this Court.

4. Therefore, I appoint Shri Justice G. Minhajuddin, residing at C-14, Alka Avenue, Uslapur, Bilaspur, a retired Judge of High Court of Chhattisgarh, as Arbitrator in the case.
5. The Applicant and the Non-Applicant may file their claim / counter-claim before the aforesaid Arbitrator within a period of four weeks from today who is requested to dispose of the matter within the time prescribed in the Arbitration and Conciliation Act, 1996, as amended.
6. The parties are directed to appear before the Arbitrator on 19th March, 2017.
7. Registry is directed to send a copy of this order to Shri Justice G. Minhajuddin so as to reach within one week from today.
8. The Arbitration Application stands disposed of.

Sd/-
(Deepak Gupta)
CHIEF JUSTICE