

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

ARB-197-2016 (O&M)

Date of decision:- 14.07.2017

M/s Law Premier through its proprietor Pritpal Singh,
East Mohan Nagar, Amritsar.

...Petitioner

Versus

Punjab State through its Secretary, Panchayati Raj
Department, Punjab, Chandigarh and another.

...Respondents

CORAM: HON'BLE MR. JUSTICE S.J. VAZIFDAR, CHIEF JUSTICE

Present:- Mr. Dheeraj Mahajan, Advocate,
for the petitioner.

Mr. Daldeep Singh Sukarchakia, Deputy Advocate General,
Punjab.

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S.J. VAZIFDAR, C.J. (ORAL)

This is a petition under Section 11(6) of the Arbitration and Conciliation Act, 1996 for the appointment of an arbitrator.

2. The parties had entered into a contract which contains an arbitration agreement.

3. Disputes and differences having arisen, the petitioner invoked the arbitration clause by a notice dated 18.07.2016. The last payment was made on 24.09.2013. The claim is, therefore, within time.

4. It is contended that the right to claim arbitration is barred in view of clause 25(xiv) as the petitioner failed to bring a claim for arbitration within a period of six months of the happening of the events enumerated therein.

Clause 25(xiv) (e) reads as under:-

"(xiv) Neither party shall be entitled to bring a claim for arbitration, if it is not filed as per the time period already specified or within six months of the following:-

(e) Of receiving an intimation from the Engineer-in-Charge that the final payment due or recovery from the contractor had been determined for the purpose of payment/adjustment whichever is the latest."

(emphasis supplied)

5. It is contended that intimation, as contemplated in the above clause, has not been received by the petitioner and, therefore, the period of limitation does not start. The clause would require interpretation by the arbitrator. One of the issues that will require determination is whether the final bill prepared by the respondents would constitute an intimation from the Engineer-in-Charge as contemplated in the above clause. This falls within the jurisdiction of the arbitrator.

6. The petition is, therefore, disposed of by appointing Shri A.S. Narula, former Additional District Judge, Punjab, as the sole arbitrator.

(S.J. VAZIFDAR)
CHIEF JUSTICE

14.07.2017

Amodh

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No