

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

ARB-214-2016 (O&M)
Date of decision:- 27.10.2017

M/s A.S. Enterprises

...Petitioner

Versus

Thapar University, Patiala

...Respondent

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

Present:- Mr. P.S. Rana, Advocate,
for the petitioner.

Mr. Rajat Khanna, Advocate,
for the respondent.

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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 three agreements, albeit for different works of the same project. Disputes and differences have arisen between the parties especially as regards the petitioner's claim for refund of the retention money. The petitioner by a letter dated 24.02.2016 invoked the arbitration clause in respect of work order No.TU/CMS/DB/BH/909 dated 26.02.2013. The arbitration clauses in the other two work orders have not been invoked by the letter dated 24.02.2016. This petition is, therefore, restricted only to the said work order. The arbitration clauses require the parties to try and settle the matter. The correspondence indicates that the settlement proved infructuous. The respondent's reply dated 27.07.2016 to the notice invoking the arbitration makes

allegations against the petitioner regarding defaults in the work. That is an issue on merits.

3. In these circumstances, the petition is disposed of on the written request of both the parties by appointing Mr. Justice Sat Paul Bangarh, a former Judge of this Court, as the sole arbitrator. The request is taken on record and marked 'X'. The fees shall be as per the Chandigarh Arbitration Centre (CAC) (Administrative Cost and Arbitrators' Fees) Rules, 2014. The parties have agreed that the venue shall be at Patiala.

(S.J. VAZIFDAR)
CHIEF JUSTICE

27.10.2017
Kamal Gandhi

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