

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

Arbitration Case No.38 of 2018 (O&M)

Date of Decision: 14.12.2018

Kamaladitya Construction Pvt. Ltd.

.....Petitioner

versus

Chandigarh Housing Board and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE KRISHNA MURARI, CHIEF JUSTICE

Present : Mr. S.S.Behl, Advocate, for the applicant-petitioner.
Mr. Shekhar Verma, Standing Counsel for U.T. Chandigarh.

KRISHNA MURARI, CHIEF JUSTICE (oral)

This is an application under Section 11(6) of the Arbitration and Conciliation Act, 1996 (for short 'the Act') for appointment of an arbitrator to adjudicate the claims of the petitioner against the respondents.

2. It is undisputed that there was a contract between the parties with regard to composite work of construction of 2304 small flats at Dhanas, Chandigarh. The bid of the applicant-petitioner was accepted vide letter dated 07.01.2009 and an agreement was executed which contained an arbitration clause in Clause 25.

3. There was a dispute in respect of the contract and as per the terms of the agreement, the designated authority initially appointed one retired District & Sessions Judge as the sole arbitrator on 10.05.2018. However, due to ill health he expressed his inability to act as an arbitrator and thereafter the designated authority on 27.07.2018 appointed one Shri B.C.Gupta, retired District & Sessions Judge as the arbitrator. However, in the meantime, the present petition has been filed before this Court.

Accordingly, the arbitrator adjourned the matter sine-die to await the decision of the present petition. A written statement has been filed on behalf of the respondents which has been taken on record.

4. During the course of arguments, learned counsel appearing for both the parties agreed for appointment of an arbitrator by this Court. Accordingly, I appoint Mr. Justice S.N.Aggarwal, a former Judge of this Court, as the sole arbitrator to adjudicate upon the disputes and differences between the parties. The fees shall be as per the Chandigarh Arbitration Centre (CAC) (Administrative Cost and Arbitrator’s Fees) Rules, 2014 or as may be settled by the parties and the arbitrator.

(KRISHNA MURARI)
CHIEF JUSTICE

14.12.2018
ravinder

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