

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Arbitration Case No. 117 of 2018
Date of Decision: 15.11.2019

M/s Kanak Tollways Buildtech Pvt. Ltd.

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Vivek Khatri, Advocate,
for the petitioner.

Mr. Pramjit Singh, A.A.G., Haryana,
for the respondents.

JAISHREE THAKUR, J. (ORAL)

1. This is a petition that has been filed under Section 11(6) of Arbitration and Conciliation Act, 1996 for appointment of Arbitrator to adjudicate the dispute between the petitioner and the respondents in terms of the Arbitration Clause 25-A.5 of the contract agreement, wherein it was settled between the parties that dispute / differences will be referred to arbitration by Chief Engineer (P.R.), Haryana.

2. Counsel for the petitioner herein contends that despite invoking arbitration, the matter has not been referred to the Arbitrator in terms of Clause 25-A.5 of the contract agreement and

hence, the petition.

3. Reply has been filed and counsel for the respondent-State submits that the matter does not survive for arbitration since the petitioner herien had left the work midway, however, he does not dispute the existence of the Arbitration clause.

4. I have heard learned counsel for the parties and in view of the fact that a dispute has arisen out of the contract, this Court deems it appropriate to appoint an independent Arbitrator. Accordingly the petition is allowed. Justice M.S. Sullar, Retired Judge of the Punjab and Haryana High Court, resident of H. No. 220, Sector-25, Panchkula is hereby appointed as sole Arbitrator to settle the dispute and differences between the parties. The fees shall be payable as per the Chandigarh Arbitration Centre (CAC) Rules, 2018.

15.11.2019

Satyawan

**(JAISHREE THAKUR)
JUDGE**

Whether speaking/reasoned Yes.

Whether reportable No.