

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Arbitration Case No. 19 of 2018
Date of Decision: 15.11.2019

M/s Aggarwal Construction Co.

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

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

Mr. Nikhil K. Chopra, Addl. A.G., Punjab,
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 of the agreement dated 28.10.2015 wherein it had been specified that any dispute arising between the parties out of the execution of the work order, would be referred to the sole Arbitrator of the Superintending Engineer of the concerned Circle of Works Department Buildings and Roads Branch.

2. Learned counsel appearing on behalf of the petitioner

would contend that on account of a dispute that arose between the parties arising out of the agreement, the Arbitration clause was invoked by letter dated 01.12.2017 wherein it had specifically been mentioned that the arbitration was being invoked after the passing of Arbitration and Conciliation (Amendment) Act, 2015 wherein it had been specified that “no employee or advisor or consultant of the department can be appointed as the Arbitrator in view of the amendment made to Section 12 of the 1996 Act, and therefore, sought appointment of an independent Arbitrator. Despite the said letter, as on date, no Arbitrator has been appointed.

3. Learned counsel for the respondents would contend that in view of Clause 25 of the agreement dated 23.10.2015 Shri Dharamveer Goyal, Superintending Engineer, Construction Circle, PWD B&R, Amritsar had been appointed as the sole Arbitrator.

4. I have heard learned counsel for the parties. It is an admitted fact that there has been an amendment incorporated in Sub-section 5 of Section 12 of the Arbitration & Conciliation Act, 1996 w.e.f. 23.10.2015 which clearly stipulated that an employee of the respondent cannot be appointed as an Arbitrator.

5. In such a situation, this Court deems it appropriate to appoint an independent Arbitrator to resolve the dispute. Consequently, Sh. B.M. Bedi, a retired District and Sessions Judge, R/o H. No. 22, Sector 4, Panchkula is hereby appointed as sole Arbitrator to settle the dispute between the parties. The fee shall be

payable as per the Chandigarh Arbitration Centre (CAC) Rules, 2018.

The petition is allowed accordingly.

15.11.2019
Satyawan

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned	Yes.
Whether reportable	No.