

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

ARB-25-2018 (O&M)

Date of decision:- 18.01.2019

M/s Baldev Sahai Garg

...Applicant

Versus

State of Punjab and others

...Respondents

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

Present:- Mr. Naresh Markanda, Senior Advocate,
with Ms. Lakshita Sahni, Advocate,
for the applicant.

Mr. Shireesh Gupta, Sr. DAG, Punjab.

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KRISHNA MURARI, C.J. (ORAL)

CM-20425-CII-2018

Leave is granted to place on record reply by way of affidavit of the Executive Engineer, Provincial Division, PWD (B&R) Branch, Ferozepur, Punjab filed on behalf of the respondents and the application is allowed.

ARB-25-2018

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

2. The parties had entered into an agreement for construction of Judicial Court Complex at Ferozepur. Clause 25 thereof contains an arbitration agreement.

3. Mr. Justice Chandramauli Kumar Prasad, a former Judge of the Supreme Court is appointed as the arbitrator to adjudicate upon disputes and differences between the parties.

The fees may be settled by the parties and the arbitrator.

4. Mr. Shireesh Gupta, learned Senior Deputy Advocate General, Punjab, appearing for the respondents, referring to clause 25-A of the agreement between the parties, submits that in view of the said clause in the agreement no claim for payment of an extra ordinary nature such as bonus for extra labour employed in completing the work was not liable to be paid and the demand for the same is illegally raised. It is left open to the parties to raise all such objections as may be available to them in law in the arbitration proceedings itself before the arbitrator.

5. The application accordingly stands disposed of.

(KRISHNA MURARI)
CHIEF JUSTICE

18.01.2019
Amodh/ravinder

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