

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

ARB-323-2017 (O&M)

Date of decision:- 01.03.2019

M/s Bansal Construction Co.

...Applicant

Versus

State of Haryana and others

...Respondents

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

Present:- Mr. Dinesh Saini, Advocate,  
for the applicant.

Mr. Deepak Balyan, Additional Advocate General, Haryana,  
for the respondents.

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**KRISHNA MURARI, C.J. (ORAL)**

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

2. Mr. Deepak Balyan, learned Additional Advocate General, Haryana states that Superintending Engineer, Public Health Engineering Circle, Rewari was appointed as an arbitrator vide order dated 30.11.2017. The applicant states that till date he has not entered into reference and no notice of any kind whatsoever has ever been served upon it. It is further pointed out that since in view of clause 12 of the agreement between the parties, the arbitration proceedings are to be governed by the provisions of the Act or any other law in force for the time being, hence the amended provisions of the Act would stand attracted and in view of Section 12.5 thereof the new arbitrator is disqualified from functioning as arbitrator.

3. The above position has not been disputed by learned counsel for the respondents. In these circumstances, it is now for this Court to appoint an independent arbitrator.

4. Accordingly, I hereby appoint Mr. Justice K.S. Garewal, a retired Judge of this Court (residential address: Khushbagh Farm, Siswan Road Majra, District SAS Nagar - 140110, Punjab/ office address: H. No. 1065/1, Sector 39-B, Chandigarh - 160036), as the sole arbitrator to resolve the disputes and differences between the parties. The fees shall be as per the Chandigarh Arbitration Centre (CAC) Rules, 2018.

(KRISHNA MURARI)  
CHIEF JUSTICE

01.03.2019  
Anodh

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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |