

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

ARB-36-2018 (O&M)

Date of decision:- 25.01.2019

The Dhariwal Cooperative Labour and Construction Society Ltd.

...Applicant

Versus

Punjab State through its Secretary, Department of Punjab Urban Development  
Authority and others

...Respondents

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

Present:- Mr. Dheeraj Mahajan, Advocate,  
for the applicant.

Mr. Shreesh Gupta, Senior Deputy Advocate General, Punjab,  
for respondent No. 1.

Mr. Aman Sharma, Advocate,  
for respondents No. 2 to 4.

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

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

2. Written statement filed on behalf of respondents No. 2 to 4 in Court today is taken on record.

3. Learned counsel for the applicant states that respondent No. 1- State of Punjab is only a formal party.

4. Learned counsel appearing for the respondents have vehemently contended that in view of the provisions contained in Clause 25 since the matter has not been referred to arbitration within six months, the claim is barred by limitation.

5. Be that as it may, this dispute can also be gone into by the arbitrator and hence the same is left open to be raised before the arbitrator being appointed. There is no reason to doubt that any such plea if raised by the respondents shall be considered and decided by the arbitrator in accordance with law.

6.               Considering the facts and circumstances, this petition is disposed of by appointing Mr. R.P.Bhasin, District & Sessions Judge (Retd.), Haryana, # 538, Sector 7, Panchkula, as the sole arbitrator to adjudicate upon disputes and differences between the parties. The fees shall be as per the Chandigarh Arbitration Centre (CAC) (Administrative Cost and Arbitrators’ Fees) Rules, 2014 or as may be settled by the parties and the arbitrator.

**(KRISHNA MURARI)**  
**CHIEF JUSTICE**

**25.01.2019**  
Amodh/ravinder

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