

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CWP No.6847 of 2018 (O&M)
Date of decision: January 15, 2019

M/s Shivam Construction Company ...Petitioner

Versus

State of Punjab and others ...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. K.S. Gill, Advocate for the petitioner.
Ms. Ishneet Kaur, AAG, Punjab.

Rajan Gupta, J.(oral)

Petitioner has impugned Order/Letter bearing Memo No.54 dated 24.05.2017, passed by the Arbitrator, directing the petitioner to deposit 10% of the claimed amount in respect of claim at Serial Nos.4 to 7 of his application. It has been urged before the court that Arbitrator has acted under Part-III of the Act, which pertains to conciliation, while actual proceedings pending before the authority, are for arbitration. He, thus, prays that the matter be remitted to the same authority for decision afresh.

This prayer is not opposed by the State counsel.

In view of above, the impugned order is hereby set-aside and matter is remitted to the same authority for decision afresh within three weeks from today after affording opportunity of hearing to the parties.

Allowed in these terms.

**(RAJAN GUPTA)
JUDGE**

January 15, 2019
'Rajpal'

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No