IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

Arb. Case No. 32 of 2020

Decided on: 30.10.2020

M/s S.B. Trading Company …Petitioner

Versus

State of H.P. and another …Respondents

Coram

The Hon'ble Mr. Justice L. Narayana Swamy, Chief Justice.

Whether approved for reporting?[1]

For the petitioner: Mr. Sumeet Raj Sharma, Advocate.

For the respondents: Mr. Ashok Sharma, Advocate General, with Mr. Adarsh K. Sharma, Additional Advocate General.

L. Narayana Swamy, Chief Justice. *(Oral)*

In this petition under Section 11 (6) of the Arbitration and Conciliation Act, 1996, the petitioner, the company, to whom the work of providing LWSS to KotlaGopalpur in Tehsil Banjar, District Kullu, H.P. (SH – Construction of lift water supply scheme from source of main storage tank in three stages, i.e. c/o Pump House at

[1] *Whether reporters of the local papers may be allowed to see the judgment?*

stage 2nd & 3rd, P/laying, jointing and testing of Rising main in three stages, thrust block, C/O 38000 & 40000 Ltra capacity sump well at stage 2nd & 3rd, main storage tank of 1,2000 ltrs. capacity, supply & erection of pumping machinery) was assigned by the respondents, seeks a direction for appointment of an Arbitrator for resolving the dispute between the petitioner and the respondents.

2. It is not in dispute that Clause 25 of the Contract contains a provision for reference of all the questions/ disputes relating to the meaning of the specifications, designs, drawings and instructions and as to the quality or any other questions, claim, right, matter or things arising out of/relating to the contract designs, drawings, specifications, estimate, instructions, orders or these conditions or otherwise concerning the work of execution, to the arbitration.

3. Therefore, this application is allowed and Shri A.S. Jaswal, District and Sessions Judge (Retired), who is

settled in District Kullu, is appointed as Arbitrator. Aforesaid Arbitrator is requested to enter into reference within a period of two weeks from the date of receipt of a copy of this order. It shall be open for the learned Arbitrator to determine his own procedure with the consent of the parties. Otherwise also, entire procedure with regard to fixing of time limit for filing pleadings or passing of Award stands prescribed under Sections 23 and 29A of the Act.

4. Needless to say, award shall be made strictly as per provisions contained in Arbitration and Conciliation Act. A copy of this order shall be made available to the learned Arbitrator named above, by the Registry of this Court within one week enabling him to take steps for commencement of the arbitration proceedings within stipulated period.

5. The petition is disposed of accordingly.

(L. Narayana Swamy)
Chief Justice

October 30, 2020
(rajni)