

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

Sr. No.205

ARB-209-2017

Date of decision: 21.01.2020

Billu Singh

....Petitioner

versus

The State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Saurabh Dalal, Advocate and
Mr. Sankalp Gehlawat, Advocate
for the petitioner.

Mr. Sidharth Sanwaria, DAG, Punjab.

* * *

DEEPAK SIBAL, J. (Oral)

The present petition has been filed under Section 11(6) of the Arbitration and Conciliation Act, 1996 (for short – the Act) for appointment of an Arbitrator in a domestic commercial dispute.

After hearing learned counsel for the parties and going through the record of the case, the undisputed facts which have emerged are that the petitioner was awarded a tender by the respondents for the work of construction of Trauma Block/Centre in PGIMS, Rohtak and that as per the terms and conditions of the tender the disputes between the parties were to be settled through the mode of arbitration.

Disputes having arisen between the parties, the arbitration clause was invoked and on 27.04.2016, the Superintending Engineer (PMGSY), Haryana PWD (B&R) was appointed as the sole Arbitrator but

after the initial three hearings, the Arbitrator did not proceed further with the matter. On 28.09.2016, the petitioner wrote to the Engineer-in-Chief, Haryana seeking his intervention and for appointment of a fresh Arbitrator but no action was taken by the Engineer-in-Chief, Haryana, occasioning the filing of the present petition.

In view of the above facts, for adjudicating the disputes between the parties, Justice Rakesh Kumar Garg (Retd.), is appointed as the sole Arbitrator. However, such appointment would be subject to the declaration to be made by Justice Garg under Section 12 of the Act with regard to his independence and impartiality to settle the disputes between the parties.

The Arbitrator is requested to complete the proceedings within the time limit specified under Section 29A of the Act.

The Arbitrator shall be paid fee in accordance with the Fourth Schedule of the Act, as amended or as may be mutually settled by the parties and the Arbitrator.

As per agreement expressed by learned counsel for the parties, for the sake of the convenience of their respective clients as also of the Arbitrator, the venue of the Arbitration shall be at Chandigarh or at any other place convenient to all concerned.

A copy of the this order be forwarded to Justice Rakesh Kumar Garg (Retd.) at the given address:

“H.No.417,
Sector-35-A,
Chandigarh.
9780008133.”

After seeking the convenience of the Arbitrator, the parties are

directed to appear before him on 31.01.2020 at 11 A.M. or any other date
suitable to all concerned.

The matter is disposed of in the above terms.

January 21, 2020
Jyoti 1

(DEEPAK SIBAL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No