

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

ARB-343-2018 (O&M)
Date of decision: 27.01.2020

M/s Hundal Construction Associates

.....Petitioner

versus

Superintending Engineer and another

.....Respondents

CORAM: Hon'ble Mr. Justice Deepak Sibal

Present: Mr.Dheeraj Mahajan, Advocate for the petitioner
Ms.Anju Arora, Addl.A.G. Punjab
for the respondents

Deepak Sibal, J. (Oral)

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

It is not disputed that through an agreement between the parties the petitioner was required to execute construction work for the respondents and that as per clause 25A of such agreement any dispute between the parties was to be settled through the mode of arbitration.

Disputes having arisen between the parties, the petitioner filed a Civil Suit for mandatory injunction to direct the respondents to prepare and pay final bills of the petitioner. However, in view of the aforesaid arbitration clause between the parties, such suit was withdrawn by the petitioner with permission of the Civil Court to initiate proceedings under the Act. Thereafter, through notice dated 21.05.2018, the petitioner required the respondents to appoint an Arbitrator, which till the filing of the present petition, was not responded to and therefore, the respondents forfeited the right to appoint one.

After hearing learned counsel for the parties and with their consent, for adjudicating the disputes between them, Mr.Ajay Kumar Sharma,

District & Sessions Judge (Retd.) is appointed as the Sole Arbitrator. However, such appointment would be subject to the declaration to be made by Mr. Ajay Kumar Sharma 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 Jalandhar or at any other place which is suitable to all concerned.

A copy of this order be forwarded to Mr. Ajay Kumar Sharma, District & Sessions Judge (Retd.) at the given address:-

41, Windsor Park,
Gulab Devi Road,
Jalandhar
Mobile No. - 09417316877

After seeking the convenience of the Arbitrator, the parties are directed to appear before him on 11.02.2020 at 11.00 A.M. or on any other date suitable to all concerned.

The matter is disposed of in the above terms.

27.01.2020
gk

(Deepak Sibal)
Judge

Whether speaking/ reasoned:	Yes/No
Whether Reportable:	Yes/No