

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 211 and 209 (3 cases)

ARB-7-2019

Date of decision : 12.02.2020

M/s H.V.Construction Co.

..... Applicant

VERSUS

Bharat Sanchar Nigam Ltd.

..... Respondent

2.

ARB-372-2018

M/s H.V.Construction Co.

..... Applicant

VERSUS

Bharat Sanchar Nigam Ltd.

..... Respondent

3.

ARB-314-2018

M/s H.V.Construction Co.

..... Applicant

VERSUS

Bharat Sanchar Nigam Ltd.

..... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.Amarpreet Singh, Advocate, for the applicant.

Mr.Deepak Jindal, Advocate, for the respondent.

DEEPAK SIBAL, J. (ORAL)

Written statement filed on behalf of the respondent in Court today is ordered to be taken on record. A copy thereof has been supplied to learned counsel for the applicant.

Three applications between the same parties being ARB-7-2019, ARB-372-2018 and ARB-314-2018 “*M/s H.V.Construction Co. vs Bharat Sanchar Nigam Ltd.*” are being disposed of through the present common order. For the sake of convenience, facts are being taken from ARB-7-2019.

The present application has been filed under Section 11 of the

Arbitration and Conciliation Act, 1996 (for short, the Act) for appointment of an Arbitrator.

Admittedly, the parties entered into an agreement as per which the applicant was to execute for the respondent work of trenching/trenchless and pipe laying by HDD/open trench method, OF cable blowing, OF cable splicing and termination, preparation of joint chamber, fixing, painting and sign writing of route/joint indicators and other associated works in the DETP BT jurisdiction. As per clause 4.1.13 of the agreement all the disputes between the parties which were to arise out of such agreement were to be settled through the mode of arbitration.

Disputes having arisen between the parties, the applicant through several notices sent to the respondents invoked the arbitration clause and sought appointment of an Arbitrator. Having not received any response to the said notices, the present application has been filed for the aforesaid relief.

After hearing learned counsel for the parties, Justice T.S.Doabia, a former Judge of this Court is appointed as the sole Arbitrator. However, such appointment would be subject to the declaration to be made by Justice T.S.Doabia under Section 12 of the Act with regard to his independence and impartiality to settle the dispute 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

A copy of the this order be forwarded to Justice T.S.Doabia
(Retd.) at the given address:-

38, Sector-9,
Chandigarh.

After seeking the convenience of the Arbitrator, the parties are
directed to appear before the Arbitrator on 25.02.2020 or on any other date
suitable to all concerned.

All the three applications being ARB-7-2019, ARB-372-2018
and ARB-314-2018 are disposed of in the above terms.

12.02.2020
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[DEEPAK SIBAL]
JUDGE

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No