

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

109

=====

IN VIRTUAL COURT

=====

**ARB No. 69 of 2020
Date of decision : 4.6.2020**

Arsh Constructions

.....Petitioner

Vs.

The Additional Director General (NR)-CPWD

.....Respondent

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. Gourav Mohunta, Advocate, for the petitioner

Rajbir Sehrawat, J. (Oral)

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.

Vide works letter dated 3.4.2014, accompanied by General Conditions of Contract, the respondent required the applicant to construct Officers Mess for one Reserve Battalion at BSF Campus, Bhondsi, Gurgaon. Admittedly, as per clause 25 of the General Conditions of Contract, 2010, the disputes between the parties were to be settled through the mode of Arbitration.

Disputes having arisen between the parties, through legal notice dated 8.1.2020, the applicant invoked the arbitration clause and requested the respondent to appoint an Arbitrator. The respondent appointed one retired employee of the respondent department as the Sole Arbitrator. However, the petitioner vide letter dated 17.2.2020 requested the respondent to appoint some independent person as Arbitrator. But the respondent rejected that request of the petitioner on 28.2.2020. Hence, the present application has been filed for the aforesaid relief.

Notice of motion.

Dr. Ashwani Bansal, Advocate, appearing on behalf of the

respondent accepts notice and seeks time to file reply to the application. Hoowever, this Court deems it appropriate to dispose of this application at this stage only.

After hearing learned counsel for the parties, Justice Rameshwar Singh Malik, 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 Rameshwar Singh Malik (Retd.), 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.

For the sake of the convenience of the parties, as also of the Arbitrator, the venue of the Arbitration shall be at Delhi Arbitration Centre, Delhi or at any other place convenient to all concerned.

A copy of the order be forwarded to Justice Rameshwar Singh Malik (Retd.) at the given address :

B-13, Mayfair Gardens,
August Kranti Marg,
Hauz Khas,
New Delhi-110016
(near Embassy of Medagaskar)
M. No. 9417372202.
Email & rameshwarsinghmalik@gmail.com

After seeking the convenience of the Arbitrator, the parties are directed to appear before him within one month.

The matter is disposed of in the above terms.

(RAJBIR SEHRAWAT)
JUDGE

4.6.2020

Ashwani

Speaking/Reasoned : Yes/No
Reportable : Yes/No