

ARB-81-2019 (O&M)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

ARB-81-2019 (O&M)

Date of Decision: 18th February, 2020

M/s Vastumandala

...Applicant

Versus

Municipal Corporation, Karnal & another

...Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Naresh Markanda, Senior Advocate with
Ms. Kavita Markanda, Advocate
Ms. Lakshita Sahni, Advocate
Ms. Reema Soni, Advocate
for the applicant.

Mr. P.S. Rana, Advocate
for the respondents.

DEEPAK SIBAL, J. (ORAL)

The present application has been filed under Section 11 of the Arbitration and Conciliation Act, 1996 Act (for short, the Act) for appointment of an Arbitrator.

As per agreement dated 24.04.2015 the respondent allotted to the applicant consultancy work for layout plans, landscaping, front elevation, architectural control design, structural design, cost estimates and any other works related to the execution of a project for remodeling of Old Mughal Canal from Subzi Mandi Bridge to G.T. Road by-pass bridge (Phase-II & III), Karnal. Admittedly, as per Clause 8 of such agreement, disputes between the parties were to be settled through the mode of

arbitration.

Disputes having arisen between the parties, the applicant through letter dated 11.01.2019 wrote to the respondents to resolve the same but when such disputes remained unresolved, through letter dated 04.02.2019 the applicant invoked the arbitration clause and sought the respondents to appoint an Arbitrator. Within 30 days of receipt of the aforesaid notice dated 04.02.2019 the respondents did not appoint an Arbitrator occasioning the filing of the present application for the aforesaid relief.

After hearing learned counsel for the parties and with their consent, Justice Raj Rahul Garg, 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 Raj Rahul Garg under Section 12 of the Act with regard to her 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 which is suitable to all concerned.

(3)

ARB-81-2019 (O&M)

A copy of the this order be forwarded to Justice Raj Rahul Garg
(Retd.) at the given address:-

H.No.266,
Sector 21,
Panchkula
(Mob. No. 85588-09937)

After seeking the convenience of the Arbitrator, the parties are
directed to appear before her on 02.03.2020 or on any other date suitable to
all concerned.

The matter is disposed of in the above terms.

18th February, 2020
Nisha

(DEEPAK SIBAL)
JUDGE

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