

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

ARB No. 126 of 2020

Date of Decision:12.11.2020

M/S Mittal Constructions Co.

.....Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. R.K.Girdhar, Advocate
for the petitioner.

Mr. TPS Chawla, DAG., Punjab.

LISA GILL, J(Oral).

This matter is being taken up for hearing through video conferencing due to outbreak of the pandemic, COVID-19.

Present is a petition under Section 11 read with Section 12 of the Arbitration & Conciliation Act, 1996, for appointment of an independent Arbitrator (Technical Expert) to decide the dispute/claim of the applicant.

Admittedly, an agreement was executed between the petitioner and the respondents. A dispute has concededly arisen between the parties. It is averred in the petition and specifically argued on the last date of hearing, that in all similar contracts where value of the contract is below Rs.5 Crores, it was agreed that all disputes and differences arising therefrom, are to be referred to the Sole Arbitrator. However, due to a typographical error in the agreement it is mentioned that the dispute would be settled by an Arbitral Tribunal consisting of three (03) Arbitrators.

Learned counsel for the respondent-State, was directed to seek specific instructions in this regard.

Short reply by way of affidavit dated 10.11.2020 of Sh. Jaswinder Singh, Executive Engineer, Water Supply and Sanitation Department, Division No. 1, Sri Muktsar Sahib-respondent no.4, on behalf of respondents no.1 to 4, has been filed by the respondent-State.

Learned counsel for the respondent-State, on instructions, specifically states that in all similar contractual matters where the value of the contract is below Rs.5 Crores, disputes and differences have been referred to the Sole Arbitrator. In similar petitions, the matters stand referred to the President of the Institution of Engineers (India). There is no objection, in case, Sole Arbitrator, is appointed in the present case, as well. As per affidavit dated 10.11.2020, it is specifically stated that there is no objection for the appointment of the Sole Arbitrator in this case.

Keeping in view the facts and circumstances of the case as well as the specific stand of the parties, this petition is disposed of, by referring the disputes and differences to the sole arbitration of the President of the Institution of Engineers (India).

12.11.2020
s.khan

[LISA GILL]
Judge

Whether speaking/reasoned : Yes/No.

Whether reportable : Yes/No.