

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

ARB-121-2020 (O&M).

Date of Decision: October 09, 2020

M/S MITTAL CONSTRUCTION CO.

..... Applicant(s)

Versus

THE STATE OF PUNJAB AND OTHERS

..... Respondent(s)

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

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

Ms. Deepali Puri, Addl. A.G., Punjab.

LISA GILL, J.

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 a Sole Arbitrator to decide the dispute/claim of the applicant.

Admittedly, the parties have entered into an agreement. As per Clause 4-f thereof, where value of the contract is less than Rs.5 crores, the disputes and differences are liable to be referred to the Sole Arbitrator.

Clause 4(f) of the contract reads as under:-

“Where the value of the contract is Rs.50 million and below, the disputes or differences arising shall be referred to the Sole Arbitrator. The Sole Arbitrator should be appointed by agreement between the parties; failing such agreement, by the appointing authority, namely the President of the Institution of Engineers (India).”

Parties have admittedly failed to arrive at a consensus regarding appointment of the Sole Arbitrator. Learned counsel refer to order dated 09.12.2016 passed in ARB-07-2016, to submit that the present is a similar matter.

Keeping in view the facts and circumstances of the case, this petition is disposed of, by referring the disputes and differences to the President of the Institution of Engineers (India).

09.10.2020

Sunil

(LISA GILL)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No