

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

Sr. No.229

ARB-113-2019

Date of decision: 05.03.2020

M/s Bhalla and Associates

....Applicant

versus

Punjab Health Systems Corporation and others

....Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Dheeraj Mahajan, Advocate, for the applicant.

Mr. Vinod Kumar, Advocate for

Mr. P.I.P. Singh, Advocate, for the respondents.

* * *

DEEPAK SIBAL, 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.

Admittedly, the parties entered into an agreement as per which the applicant was required to execute for the respondents the work of repair and renovation of Nagar Nigam Janana Hospital, Dab Khatika, District Amritsar and that as per clause 25 of the Conditions of Contract, which were part of such agreement, disputes between the parties were to be settled through the mode of Arbitration.

Disputes having arisen between the parties, the applicant wrote to the Executive Engineer (W) of the respondent-Corporation seeking their resolution but when no response was received, through notice dated 26.03.2019 the applicant invoked the arbitration clause and required the respondents to appoint an independent and impartial Arbitrator. When within 30 days of receipt of the notice no Arbitrator was appointed, the

present application was filed for the aforesaid relief.

After hearing learned counsel for the parties, Justice Navita Singh, 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 Navita Singh 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, the venue of the Arbitration shall be at Chandigarh Arbitration Centre, Chandigarh.

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

Flat No.403 GH-35,
Sector-5, MDC,
Panchkula.
(Mob. No.85588-09911)

After seeking the convenience of the Arbitrator, the parties are directed to appear before her on 30.03.2020 or on any other date suitable to all concerned.

The matter is disposed of in the above terms.

March 05, 2020
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(DEEPAK SIBAL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No