

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

209

**ARB No.140 of 2020
Decided on : 16.12.2020**

M/s Mittal Construction Co.

... Applicant

Versus

The Punjab Urban Planning & Development Authority and others

... Respondents

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present: Mr. Rajesh Girdhar, Advocate for the applicant.

Mr. Sehejbir Singh, Advocate for the respondents.

(The proceedings are being conducted through
video conferencing, as per instructions.)

G.S. Sandhawalia, J. (Oral)

The applicant seeks appointment of an independent Arbitrator (Technical Expert) to decide the dispute/claim. Resultantly, he has filed application under Section 11 read with Section 12 of the Arbitration & Conciliation Act, 1996.

Notice was issued to the respondents on the ground that as per Clause 25 of the Contract (Annexure A-2), the dispute is liable to be referred to the Arbitrator.

On the last date of hearing i.e. 11.11.2020, counsel for the applicant was asked to recommend three proposed Arbitrators to settle the dispute, whereas counsel for the respondents had to take instructions regarding the said proposals.

Counsel for the applicant has, thus, submitted a list of three Arbitrators, whereas counsel for the respondent has also submitted his independent list of two Arbitrators.

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It has been pleaded that the work for the Development of Water Works, Rising Main, S & S Tank and Chowkidar Room etc. at OUVGL, Baba Farid University at Faridkot was allotted to the applicant with the tender cost of Rs.1,61,42,655/-, as per allotment letter (Annexure A-1).

It is the case of the applicant that out of the final bill, Rs.40 lakhs, has not been released, in spite of submitting notice for appointment of an Arbitrator.

Accordingly, keeping in view the above, Shri Parminder Singh Bhogal, (Retired Chief Engineer from Punjab Water Resources Department), resident of House No.623, Phase-3A (Sector-53), SAS Nagar, Mohali, is appointed to settle the dispute/differences which have arisen *inter se* the parties.

The present petition stands allowed, accordingly.

DECEMBER 16, 2020
Naveen

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No