

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 231

ARB-6884-2018

Date of decision : 12.03.2020

M/s V.S.Saini Engineers

..... Applicant

VERSUS

Punjab Mandi Board and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

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

Mr.M.S.Rana, Advocate, for respondent No.1.

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.

Through allotment letter dated 04.11.2011 the applicant was allotted by the respondents certain construction works for which admittedly the parties also entered into an agreement which contained clause 25 as per which disputes between the parties were to be settled through the mode of arbitration.

Disputes having arisen between the parties, the applicant, through notice dated 23.04.2016, required the respondents to adjudicate upon its claims but to no avail. Thereafter through legal notice dated 22.06.2016 the applicant invoked the arbitration clause in response to which the respondents denied the applicant's claims on merits but did not appoint an Arbitrator occasioning the filing of the present application for the aforesaid relief.

In response to the present application contesting respondent No.1 has filed a reply through which all the claims made by the applicant have been denied.

After hearing learned counsel for the parties and with their consent Mr.Gurcharan Singh Saran, District & Sessions Judge (Retd.) is appointed as the sole Arbitrator. However, such appointment would be subject to the declaration to

be made by Mr.Saran under Section 12 of the Act with regard to his 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 this order be forwarded to Mr.Gurcharan Singh Saran, District & Sessions Judge (Retd.) at the given address:-

H.No.74,
Punjab Judges and Officers Enclave,
Sector 77, Mohali.

After seeking the convenience of the Arbitrator, the parties are directed to appear before him on 24.03.2020 or on any other date suitable to all concerned.

The matter is disposed of in the above terms.

12.03.2020
shamsher

[DEEPAK SIBAL]
JUDGE

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No