

ARB-344-2019

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

ARB-344-2019

Date of Decision: 18th February, 2020

M/s Inder Mohan Singh and Contractors

...Applicant

Versus

State of Punjab & others

...Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. P.S. Rana Advocate,
for the applicant.

Mr. Saurav Khurana, D.A.G., Punjab.

DEEPAK SIBAL, J. (ORAL)

Written statement on behalf of the respondents filed in Court today is taken on record. Copy thereof has been supplied to learned counsel for the applicant.

The present application has been filed under Section 11 of the Arbitration and Conciliation Act, 1996 Act (for short, the Act) for appointment of an Arbitrator.

Admittedly, the parties entered into an agreement as per which the respondents allotted to the applicant the work of construction of Additional Block D-3, Excise and Taxation Department, Ludhiana. As per clause 25 of such agreement, disputes between the parties were to be settled through the mode of arbitration.

Disputes having arisen between the parties, the applicant through letter dated 06.04.2018, wrote to the respondents to resolve the

ARB-344-2019

disputes but when the same remained unresolved, through letter dated 20.08.2018 the applicant invoked the arbitration clause and sought appointment of an Arbitrator. Within 30 days of receipt of the aforesaid notice dated 20.08.2018 respondents did not appoint an Arbitrator occasioning the filing of the present application for the aforesaid relief.

In response to the present application, the respondents have filed a reply denying the claims made by the applicant both on the ground of limitation as also on merits.

After hearing learned counsel for the parties and leaving them to raise all claims/defences/counter-claims that may be available to them in law Justice Ashok Bhan, a former Judge of the Supreme Court, is appointed as the Sole Arbitrator. However, such appointment would be subject to the declaration to be made by Justice Ashok Bhan 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.

(3)

ARB-344-2019

A copy of the this order be forwarded to Justice Ashok Bhan
(Retd.) at the given address:-

302, Sector 10-A,
Chandigarh.
(Mob. No. 98682-19003)

After seeking the convenience of the Arbitrator, the parties are
directed to appear before him on 27.02.2020 or on any other date suitable to
all concerned.

The matter is disposed of in the above terms.

18th February, 2020
Nisha

(DEEPAK SIBAL)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No