

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

ARB-312-2021

Date of Decision: 17.11.2021

RAMESH KUMAR

..... Petitioner(s)

Versus

PUNJAB WATER SUPPLY AND SANITATION DEPARTMENT
AND OTHERS

..... Respondent(s)

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Jagdeep Singh Rana, Advocate
for the petitioner.

Ms. Kanica Sachdeva, Asst. A.G., Punjab.

LISA GILL, J.

Prayer in this petition under Section 11(6) of the Arbitration and Conciliation Act, 1996 (for short – ‘the Act’) is for appointment of sole independent Arbitrator for resolution of disputes and differences arising out of Agreement, Annexure P-2, executed between the parties.

Dispute arose between the parties and notice dated 15.07.2019 (Annexure P-4) was served upon the respondent by the petitioner. Claim was repudiated by the respondent. Clause 25(iv) of the agreement which provides for resolution of the dispute through arbitration reads as under:-

“If the Engineer-in-Charge fails to convey his decision within a period of sixty days after being requested as aforesaid, the contractor/bidder may within further 60 days of the expiry of the first sixty days from the date on which the said request was made by the contractor/bidder refer the dispute for arbitration as herein after provided.”

Existence of an arbitrable dispute between the parties is not denied, neither is the existence of the arbitration clause denied.

Keeping in view the facts and circumstances as above, this petition is allowed and Mr. Justice (Retd.) Ram Chand Gupta, former Judge, Punjab and Haryana High Court, resident of 215CP, Sector-4, M.D.C., Panchkula, Mobile No.9780008147, is appointed as the Sole Arbitrator to resolve the dispute/differences between the parties. Appointment is subject to declaration to be made by the Arbitrator under Section 12 of the Act with regard to his independence and impartiality to settle the disputes between the parties. The Arbitrator to complete the proceedings within the time limit specified under Section 29-A of the Act. The Arbitrator shall be paid fee in accordance with the Fourth Schedule of the Act, as amended from time to time to be borne equally by the parties.

A copy of this order be dispatched to Mr. Justice (Retd.) Ram Chand Gupta, former Judge, Punjab and Haryana High Court, at the following address:-

215CP, Sector-4, M.D.C., Panchkula, Mobile No.9780008147.

(Lisa Gill)
Judge

17.11.2021

Sunil

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