

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

ARB No. 341 of 2021(O&M).
Date of Decision:13.10.2021

N.K.Sharma Builders Private Limited.

.....Petitioner

Versus

Punjab State Power Corporation Limited and another

..... Respondents

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Govind Goel, Advocate,
Mr. Ankit Goel, Advocate
for the petitioner.

Mr.Ketan Chopra, Advocate
for Mr. Abhilaksh Grover, Advocate
for the respondents.

LISA GILL, J(Oral).

This matter is being taken up for hearing through video conferencing due to outbreak of the pandemic, COVID-19.

Prayer in this petition under Section 11 of 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 dated 28.02.2017, Annexure A-2, between the parties.

Learned counsel for the respondents submits that there is no objection, if anyone of the twenty one (21) Arbitrators mentioned in Para no.5 of the additional affidavit dated 12.10.2021, of Mr. Khushwinder Singh, Additional Superintending Engineer, DS, Zirakpur, SAS Nagar, filed in connected petition i.e., ARB No. 340 of 2021, is appointed as an Arbitrator.

It is agreed between the parties that Sh. Rakesh Kumar Birla

(retd.) Chief Engineer, be appointed as Arbitrator.

Keeping in view the facts and circumstances as above, this petition is allowed and Sh. Rakesh Kumar Birla, (Retired), Chief Engineer, is appointed as the Sole Arbitrator. However, such appointment would be subject to the 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 is 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, to be borne equally by the parties.

Parties to appear before the Sole Arbitrator on such date and time as nominated by him. Proceedings may also be conducted through video conferencing subject to consensus among all.

13.10.2021
s.khan

[LISA GILL]
Judge

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