

**IN THE HIGH COURT OF PUNJAB AND HARYANAAT
CHANDIGARH**

ARB No.465 of 2021

Date of Decision: November 09 , 2021.

M/s Hardev Singh and Co.

..... PETITIONER (s)

Versus

State of Punjab and others

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Arun Bansal, Advocate and
Mr. Anubhav Bansal, Advocate
for the petitioner.

Ms. Rukhsaar Dhindsa, AAG, Punjab.

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

LISA GILL, J.

Though matters were being taken up through physical hearing mode today, this matter has been taken up through video conferencing on specific request of learned counsel and in terms of circular dated 14.09.2021.

Present is a petition under Section 11 of the Arbitration & Conciliation Act, 1996, for appointment of a Sole Arbitrator to decide the dispute/claim of the applicant.

Admittedly, the parties entered into an agreement (Annexure P1).

Clause 25 of the conditions of contract provides for procedure for arbitration.

Clause 25.3 thereof provides that arbitration shall be conducted in accordance with the arbitration procedure stated in the Special Conditions of Contract. Relevant extract in relation to arbitration procedure is Clause 4, Part F wherein it is provided that when value of the contract is less than ₹5 crores, the disputes and differences are liable to be referred to the Sole Arbitrator. Clause 4, Part F reads as under:-

“Where the value of the contract is Rs.50 million and below, the disputes or differences arising shall be referred to the Sole Arbitrator. The Sole Arbitrator should be appointed by agreement between the parties; failing such agreement, by the appointing authority, namely the President of the Institution of Engineers (India).”

Parties have admittedly failed to arrive at a consensus regarding appointment of the Sole Arbitrator. Learned counsel refer to orders dated 09.12.2016 passed in ARB-07-2016 and 09.10.2020 in ARB No.94 of 2020, to submit that the present is a similar matter.

Keeping in view the facts and circumstances of the case, this petition is disposed of, by referring the disputes and differences to the President of the Institution of Engineers (India).

November 09 , 2021.
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(LISA GILL)
JUDGE

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