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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**ARB No.2 of 2018 (O&M)
Date of Decision: 14.11.2022**

RAJVENDER SHARMA

.....Petitioner

Vs

L&T LTD. AND ANR.

.....Respondents

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. Sandeep Gahlawat, Advocate
Mr. Saurabh Dalal, Advocate
for the petitioner.

Mr. R.K. Chaudhary, Advocate
for the respondents.

RAJ MOHAN SINGH, J.(Oral)

[1]. The petitioner has filed the present petition under Section 11 of the Arbitration and Conciliation Act, 1996 (hereinafter to be referred as 'the Act') for appointment of an independent Arbitrator to adjudicate the dispute between the parties.

[2]. As per arbitration clause, all disputes or difference of opinions, on account of interpretation of clauses, technical specifications, etc. shall be resolved through direct and mutual

discussions between the parties. If the dispute is not resolved upon such direct and mutual discussion, the same shall be referred for adjudication before the sole Arbitrator L&T Railway BU Head.

[3]. Learned counsel for the petitioner submits that the petitioner is a civil contractor and material supplier. The petitioner supplied Ballast material at Rewari Manheru Project and order for LC-18, LC-19, LC-21 and LC-24. Payment towards LC-19 and LC-21 to the tune of Rs.22,13,519/- was released in favour of the petitioner after inspection. But the payments to the tune of Rs.14,14,560/- against LC-18 and LC-24 have not been released so far. The petitioner has already invoked the arbitration clause.

[4]. Learned counsel for the respondents very candidly submits that a *bona fide* dispute exists between the parties and the Arbitrator be appointed as per arbitration clause.

[5]. Since the agreement was executed prior to the amendment of the Act in the year 2015, therefore, in view of consensus arrived at between the parties, I deem it appropriate to direct the competent authority i.e. L&T Railway BU Head to appoint a competent person as the sole Arbitrator, to resolve the dispute/difference between the parties. The appointment of the

Arbitrator shall be subject to the declaration to be made by him as required under Section 12 of Arbitration and Conciliation Act, 1996 in respect of his independence and impartiality to settle the dispute between the parties.

[6]. The Arbitrator would complete the proceedings within the specified time in terms of Section 29-A of the said Act. The Arbitrator shall be paid fee in accordance with the IVth Schedule of the Act as amended from time to time. The fee shall be borne by both the parties equally.

[7]. Petition stands disposed of accordingly.

November 14, 2022

Atik

Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No