

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

ARB-327-2018 (O&M)
Date of decision:- 23.09.2022

Union of India

...Applicant(s)

Versus

M/s S & S Construction Co.

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE RAVI SHANKER JHA, CHIEF JUSTICE

Present:- Mr. Shobit Phutela, Advocate,
for the applicant.
Ms. Deepali Puri, Advocate,
Mr. Hari Singh, Advocate,
for the respondent.

* * * *

RAVI SHANKER JHA, C.J. (ORAL)

This is an application under Section 11 of the Arbitration and Conciliation Act, 1996 (in short the Act) for the appointment of an arbitrator.

The parties had admittedly entered into a contract/agreement dated 20.01.2012 (Annexure P-2) for provision of OTM Accommodation for Infantry Battalion at Ferozepur Cantt., clause 70 whereof provides for the appointment of an arbitrator for adjudication of disputes and differences between the parties through arbitration. However, as the respondent failed to complete the work, the agreement/contract was cancelled and the work was got completed by the applicant through another agency by incurring extra expenditure. Thereafter, due to failure on the part of the respondent to deposit an amount of Rs. 1,93,71,516.12/- towards extra expenditure borne by the applicant towards payment for balance work executed through another agency, the applicant invoked the arbitration clause and sent a legal notice dated 30.05.2018 (Annexure P-6) as well as various reminders/letters to the respondent, but to no avail. Hence, the present application.

In view of the consent of learned counsel for the parties, as recorded in the order dated 26.08.2022 passed by this Court, the necessary declaration under Section 12 of the Act was sought from Mr. Raghunath Prasad Tripathi, Former ADG (MES), E8/31, Basant Kunj, Arera Colony, Bhopal (Madhya Pradesh – 462039) which has been received and placed on record as 'X'.

In the circumstances, Mr. Raghunath Prasad Tripathi, Former ADG (MES), E8/31, Basant Kunj, Arera Colony, Bhopal (Madhya Pradesh – 462039) is appointed as an arbitrator to adjudicate upon the disputes and differences between the parties.

The application is, accordingly, disposed of.

(RAVI SHANKER JHA)
CHIEF JUSTICE

23.09.2022

Amodh Sharma

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