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

**ARB No.328 of 2018(O&M)
Date of Decision: 29.09.2022**

M/s National Construction Co.

.....Petitioner

Vs

M.C. Amritsar and others

.....Respondents

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

Present:Mr. Dheeraj Mahajan, Advocate
for the petitioner.

Ms. Anu Chatrath, Sr. Advocate with
Mr. Nishant Maini, Advocate
for respondents No.1 and 3.

Mr. Akhil Kashyap, Advocate for
Mr. Parveen K. Kataria, Advocate
for respondent No.2.

RAJ MOHAN SINGH, J.(Oral)

[1]. Petitioner has preferred this petition under Section 11 of the Arbitration and Conciliation Act, 1996 as amended by the Amendment Act 2015 for appointment of an independent Arbitrator for deciding the dispute between the parties.

[2]. An agreement was executed between the parties on

13.02.2001 and the aforesaid agreement contains an Arbitration Clause-23. Arbitration clause provides that in case of any dispute between the parties, Superintending Engineer of the Municipal Corporation, Amritsar shall be the sole Arbitrator to decide the dispute.

[3]. The existence of agreement having arbitration clause is not in dispute between the parties.

[4]. Learned counsel for the petitioner submits that the tentative value of claim of the petitioner is Rs.15,00,000/-.

[5]. During course of arguments, both the parties have arrived at a consensus that Sh. Lachman Dass, Chief Engineer (Retd.), Local Bodies Department, 330 Medical Enclave, Amritsar be appointed as sole Arbitrator in order to decide the dispute between the parties.

[6]. Learned Senior Counsel for respondents No.1 and 3 submits that she has received instructions from SE (Civil) Sandeep Singh and the respondent-Department has no objection in the appointment of aforesaid Arbitrator.

[7]. Since both the parties have given consent as regards the appointment of the aforesaid Arbitrator, therefore, I deem it appropriate to appoint Sh. Lachman Dass, Chief Engineer (Retd.), Local Bodies Department, 330 Medical Enclave,

Amritsar 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.

[8]. The Arbitrator would complete the proceedings within the specified time in terms of Section 29-A of the 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.

[9]. Seat of the Arbitrator shall be at Amritsar and the venue of the Arbitration shall be the place to be disclosed by the Arbitrator according to his convenience.

[10]. A copy of this order be dispatched to Sh. Lachman Dass, Chief Engineer (Retd.), Local Bodies Department, 330 Medical Enclave, Amritsar.

[11]. Petition stands disposed of accordingly.

September 29, 2022
Prince

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned Yes/No

Whether reportable Yes/No