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

Date of Decision: 17.10.2022

1. ARB No.117 of 2019 (O&M)

**M/S DALJIT SINGH AND BROS., ENGINEERS BUILDERS
AND GOVT. CONTRACTORSPetitioner**

Vs

STATE OF PUNJAB AND OTHERSRespondents

2. ARB No.120 of 2019 (O&M)

**M/S DALJIT SINGH AND BROS., ENGINEERS BUILDERS
AND GOVT. CONTRACTORSPetitioner**

Vs

STATE OF PUNJAB AND OTHERSRespondents

3. ARB No.121 of 2019 (O&M)

**M/S DALJIT SINGH AND BROS., ENGINEERS BUILDERS
AND GOVT. CONTRACTORSPetitioner**

Vs

STATE OF PUNJAB AND OTHERSRespondents

4. ARB No.72 of 2018 (O&M)

**M/S DALJIT SINGH AND BROS., ENGINEERS BUILDERS
AND GOVT. CONTRACTORSPetitioner**

Vs

STATE OF PUNJAB AND OTHERSRespondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

**Present:Mr. Balbir Singh Jaswal, Advocate
for the petitioner.**

Mr. R.S. Pandher, Sr. D.A.G., Punjab.

RAJ MOHAN SINGH, J.(Oral)

CM No.11609-CII of 2022 in ARB No.117 of 2019

CM No.11610-CII of 2022 in ARB No.120 of 2019

CM No.11611-CII of 2022 in ARB No.121 of 2019

For the reasons mentioned in the applications, the same are allowed. Replication(s) to the written statement(s) filed by respondents No.1 to 4 is/are taken on record.

Main case(s)

[1]. Vide this common order, four petitions i.e. ARB No.117, 120 and 121 of 2019 (O&M) and ARB No.72 of 2018 (O&M) are being decided.

[2]. Petitioner has preferred all these petitions under Section 11 of the Arbitration and Conciliation Act, 1996 for appointment of an Arbitrator to adjudicate the dispute between the parties arising out of contract agreements.

[3]. Since the issue involved in the aforesaid cases is identical, therefore, facts are being culled out from ARB No.117 of 2019.

[4]. In the said case, the dispute between the parties has arisen out of contract agreement No.25 of 1999-2000. Notice of motion was issued on 17.05.2019.

[5]. Reply filed by the respondents would show that the petitioner had submitted its arbitration claims to the Arbitrator-cum-Superintending Engineer, Amritsar Circle, PWD (B&R) Amritsar on 15.01.2002 which was received on 22.01.2002. The petitioner did not submit facts and calculations and the claims

were not accepted by the Arbitrator due to non-submission of the calculations for want of amount claimed under each claim and submission of deposit of 10% of the amount at call claimed on scheduled bank on the name of the Arbitrator by his official designation. The aforesaid shortcomings were timely intimated to the petitioner in writing by the Arbitrator on 28.10.2002 as well as vide letter dated 12.11.2002.

[6]. The reply further shows that the intimation was also given to the petitioner on 18.08.2004 and thereafter intimation regarding further date of hearing as 23.08.2004 was also given. Petitioner did not attend the proceedings on 23.08.2004. Petitioner was again intimated by the Arbitrator for submitting 10% deposit at call of the amount claimed and the date was further fixed on 15.05.2008 by the Arbitrator vide order dated 08.05.2008. Deposit of 10% of the amount claimed was not made by the petitioner. The petitioner failed to submit 10% deposit at call despite number of communications issued to it.

[7]. In CWP No.9952 of 2014 directions were issued vide order dated 21.05.2014 by the High Court in the context of deciding the representation of the petitioner by way of passing a speaking order.

[8]. Grievance of the petitioner is that in pursuance of the aforesaid directions issued by the High Court, through the representation has been decided by the competent authority

vide order dated 17.07.2014, thereby rejecting the claims of the petitioner due to non-submission of documentary evidence, but the communication of the said order was wrongly made to the petitioner on the address of M/s Daljit Singh and Bros., Engineer Builders & Govt. Contractors, 22 Sanjay Gandhi Market, Goal Bagh, Amritsar which was not the exact place of abode of the petitioner. In all the petitions, the address is shown as M/s Daljit Singh and Bros., Engineers Builders & Govt. Contractors, 26 Sanjay Gandhi Market, Goal Bagh, Amritsar, including the address shown in the legal notice-cum-representation.

[9]. Evidently, in view of stand taken by the respondents in the written statement, the endorsement of Annexure R-7 was sent to the petitioner on the address of 22 Sanjay Gandhi Market, Goal Bagh, Amritsar. The petitioner by way of filing replication has refuted the factum of service of order dated 17.07.2014 upon the petitioner.

[10]. In my considered opinion, the challenge to the order dated 17.07.2014 passed by the competent authority falls under declaratory domain for which the petitioner has to invoke any other remedy in accordance with law. Unless and until the order dated 17.07.2014 is assailed in accordance with law, no relief can be granted to the petitioner in these petitions.

[11]. In view of above, all the four petitions are disposed with with a liberty to the petitioner to assail order dated 17.07.2014

strictly in accordance with law.

[12]. Any observation made hereinabove would not be construed to be an opinion on merits of the cases.

October 17, 2022

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Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No