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

ARB No.60 of 2020(O&M)

Date of Decision: 12.10.2022

Sat Sahib Coop. L&C Society Ltd.

.....Petitioner

Vs

State of Haryana and others

.....Respondents

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

Present:Mr. Vivek Khatri, Advocate
for the petitioner.

Mr. Minderjeet Yadav, D.A.G. Haryana.

RAJ MOHAN SINGH, J.(Oral)

[1]. Petitioner has preferred this petition under Section 11(6) of the Arbitration and Conciliation Act, 1996 for appointment of an independent sole Arbitrator to adjudicate the dispute between the parties arising out of contract agreement for the work of repair and renovation of floor, walls and RCC Slab in SDH Kosli.

[2]. The aforesaid work was allocated to the petitioner vide

allotment dated 28.03.2012. The written agreement was executed between the parties to this effect. The written agreement has conditions of contract. Clause 25-A provides for dispute resolution.

[3]. It is not in dispute that earlier six similar cases were filed by the petitioner against the respondent-Department and the issue was decided in lead case i.e. ARB No.378 of 2018. The agreement in question is the same.

[4]. According to the petitioner, the petitioner had completed the work assignment to the entire satisfaction of the Department, but final payments have been withheld by deducting the amount without there being any sufficient cause.

[5]. Thereafter, the petitioner made a representation before respondent No.2 in respect of cause of action, which accrued to the petitioner on 15.10.2016, but the same was not entertained. Ultimately the petitioner invoked the arbitration clause by issuing a demand notice dated 06.09.2017 before respondent No.3 for referring the dispute to the arbitrator. Despite the issuance of notice of invocation, respondents have not paid any heed to the claim of the petitioner.

[6]. The present petition could not be filed with the connected six other petitions, which were filed and disposed of on 14.02.2020.

[7]. Notice of motion was issued on 05.03.2020. In view of para No.1 of the written statement, answering respondent-Department has no objection in case, the matter is referred to the sole Arbitrator. Earlier arbitration was done by HMJ R.P. Nagrath (Retd.). Respondent-Department has no objection if HMJ R.P. Nagrath (Retd.) is appointed as Arbitrator in this case.

[8]. In view of above, I hereby appoint HMJ R.P. Nagrath (Retd.), House No.162, Sector-123, New Sunny Enclave, Kharar, Mohali, Mobile No.8558809901 as the sole Arbitrator, to resolve the dispute/difference between the parties. The appointment of the Arbitrator shall however be subject to the concurrence of the Hon'ble Judge (Retd.) as this case is a left out case of earlier six cases which were decided by the Arbitrator. The appointment is also 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.

[9]. 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.

[10]. The venue of the Arbitration shall be the place to be

disclosed by the Arbitrator according to his convenience.

[11]. A copy of this order be dispatched to the Arbitrator on the following address:-

HMJ R.P. Nagrath (Retd.).
House No.162, Sector-123, New Sunny Enclave,
Kharar, Mohali,
Mobile No.8558809901

[12]. In case, the concurrence is not given, the petitioner would be at liberty to file an appropriate application for substitution of the Arbitrator.

[13]. Petition stands disposed of accordingly.

12.10.2022

Prince

Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No