

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

ARB No. 489 of 2021.
Date of Decision:14.02.2022.

Gammon Engineers and Contractors Private Limited

.....Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. A.S.Narang, Advocate
for the petitioner.

Ms. Sunint Kaur, AAG., Punjab.

LISA GILL, J(Oral).

Prayer in this petition is for appointment of an Arbitrator under
Section 11 (6) of the Arbitration and Conciliation Act, 1996.

Learned counsel for the petitioner submits that the dispute is of
the year 1996 and three Arbitrators have failed to complete the proceedings.
The last Arbitrator, vide order dated 21.09.2019 has withdrawn from the
proceedings due to which this petition has been filed. It is thus prayed that
this petition be allowed.

Heard learned counsel for the parties.

It is a matter of record that the petitioner had earlier filed ARB
No. 139 of 2013 which was allowed on 24.01.2014. It is specifically noticed
in order dated 24.01.2014 that Mr. S.K.Bains, Chief Engineer, Irrigation
Department, Chandigarh has been appointed as an Arbitrator on 26.06.1998,
but he retired from service on 31.05.1999 during the pendency of the

proceedings. Another Arbitrator i.e., Mr. R.P.Aggarwal, Superintending Engineer, Public Health Circle, Patiala, was appointed, but he too retired from service on 17.07.2006 without an award being passed in the matter. Mr. Justice (Retired) Amar Dutt, a former Judge of this High Court was appointed as Arbitrator vide order dated 24.01.2014. However learned Arbitrator vide order dated 21.01.2019 has expressed that for personal reasons he is unable to proceed further as Arbitrator and he withdrew from the proceedings. In this factual matrix, present petition has been filed.

Reply has been filed on behalf of the respondents where in various aspects on merits are sought to be raised.

Keeping in view the factual position and the specific fact that existence of the arbitral dispute between the parties or the arbitration clause is not in dispute and neither is the earlier appointment of the Arbitrator in ARB No. 139 of 2019 in dispute, this petition is allowed and Mrs. Justice (Retired) Rekha Mittal, former Judge of Punjab & Haryana High Court, resident of Kothi No. 56, Sector 11, Chandigarh, Mobile No. 8558809903 and 98151119903, is appointed as the Sole Arbitrator to resolve the dispute/differences between the parties arising out of agreement dated 13.03.1987. The proceedings held by the previous Arbitrator be handed over to the new Arbitrator for continuance therefrom.

Appointment is subject to declaration to be made by the Arbitrator under Section 12 of the Act with regard to her independence and impartiality to settle the disputes between the parties. The Arbitrator to complete the proceedings within the time limit specified under Section 29-A of the Act and shall be paid fee in accordance with the Fourth Schedule of the Act, as amended, to be borne equally by the parties.

A copy of this order be dispatched to Mrs. Justice Rekha Mittal

(Retired), former Judge of this High Court, at the following address:-

Kothi No. 56, Sector 11, Chandigarh, Mobile No. 8558809903
and 9815119903.

14.02.2022
s.khan

[LISA GILL]
Judge

Whether speaking/reasoned : Yes/No.
Whether reportable : Yes/No.