

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

244

**ARB No.335 of 2021 (O&M)
Date of Decision: 20.12.2022**

M/S FABRICATION HOUSE

.....Petitioner

Vs

MUNICIPAL CORPORATION FARIDABAD AND ORS

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Rohit Rana, Advocate for the petitioner.

Mr. Prateek Mahajan, Advocate for the respondents.

RAJ MOHAN SINGH, J.(Oral)

The petitioner has preferred this petition under Section 11 of the Arbitration and Conciliation Act, 1996 for the appointment of an independent Arbitrator to adjudicate upon the dispute arising out of contract agreement dated 28.04.2017.

During the course of arguments, learned counsel for the parties are *ad idem* that ARB No.332 of 2021 filed by the petitioner against the same respondents on the basis of similar contract agreement has already been disposed of by appointing Sh.K.C.Sharma, District and Sessions Judge (Retd.) to be the sole Arbitrator to resolve the dispute between the parties.

Learned counsel for the parties jointly submit that the present petition may also be disposed of in the same terms as the petitioner undertakes to deposit 7½% of the amount claimed within a period of one month, thereupon, the matter be referred to the same Arbitrator for adjudication of the claim, which has been tentatively fixed at Rs.17,27,200/- along with interest. However, the same would be subject to final adjudication by the Arbitrator .

In view of the consensus arrived at between the parties, the present petition is disposed of, thereby appointing Sh. K.C. Sharma, District & Sessions Judge (Retd.) R/o BB-2, Villa-3, Ground Floor, VIP Floors, Sector 81, Faridabad, Haryana, Mobile Nos.8930337700, 7988311414, Email: kcsharma56@yahoo.in as the sole Arbitrator, to resolve the dispute/difference between the parties. The Arbitrator shall enter upon the reference only after deposit of 7½% of the amount claimed by the petitioner within a period of one month

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.

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

Venue of the Arbitration shall be the place to be disclosed by the Arbitrator according to his convenience. A copy of this order be dispatched to the Arbitrator at the following address:-

Sh. K.C. Sharma, District & Sessions Judge
(Retd.) R/o BB-2, Villa-3, Ground Floor, VIP Floors,
Sector 81, Faridabad, Haryana, Mobile
Nos.8930337700, 7988311414, Email:
kcsharma56@yahoo.in.

(RAJ MOHAN SINGH)
JUDGE

December 20, 2022

anita

Whether speaking/reasoned Yes/No

Whether reportable Yes/No