

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

ARB-316-2021 (O&M)

Date of decision : **April 27, 2022**

Rajeev Kumar Goel

.....Petitioner

Versus

Public Health Engineering Department, Haryana and others

.....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Ms. Gursimran Kaur, Advocate for
Mr. Bhavesh Guliani, Advocate for the applicant.

Mr. Sandeep Singh Mann, Addl. AG, Haryana.

LISA GILL, J.

Prayer in this petition under Section 11 (6) of the Arbitration and Conciliation Act, 1996 (for short – ‘the Act’) is for appointment of sole independent Arbitrator for resolution of disputes and differences arising out of Agreement dated 02.02.2010, Annexure P-1, executed between the parties.

Dispute arose between the parties with both raising claims and counter claims. Clause 25(a) of the agreement provides for resolution of the dispute through arbitration.

Reply has been filed on behalf of the respondents wherein it is contended that no cause of action has accrued to the applicant to file this application. Certain averments on the merits of the matter have been made in the reply with further submission that applicant’s claim is time barred. However, keeping in view the factual matrix including the admission of sum of Rs.94,610/- stated to be lying pending in the books of the Division office as

security/earnest money, there is no merit in the plea of applicant's claim being time barred.

Existence of an arbitrable dispute between the parties is not denied, neither is the existence of the arbitration clause denied.

Keeping in view the facts and circumstances as above, this petition is allowed and Sh. T.R. Bansal, Additional District and Sessions Judge (Retd.), resident of H.No. 768, Sector 22A, Chandigarh, is appointed as the Sole Arbitrator to resolve the dispute/differences between the parties out of agreement dated 02.02.2010. 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. The Arbitrator shall be paid fee in accordance with the Fourth Schedule of the Act, as amended from time to time to be borne equally by the parties.

A copy of this order be dispatched to Sh. T.R. Bansal, Additional District and Sessions Judge (Retd.), at the following address:-

H. No. 768, Sector 22A, Chandigarh.

April 27, 2022

rts

**(LISA GILL)
JUDGE**

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