

IN THE HIGH COURT OF PUNJAB AND HARYANA ATCHANDIGARH

ARB-374-2021

Date of Decision: February 15, 2022

M/s. Rajiv Kumar Aggarwal

..... Petitioner(s)

Versus

Punjab Urban Development Authority and others

..... Respondent(s)

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. P.S. Rana, Advocate
for the petitioner.

Mr. Aman Sharma, Advocate
for the respondents.

LISA GILL, J. (Oral)

This matter is being taken up for hearing through video conferencing due to the outbreak of pandemic, COVID-19.

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 Allotment Letter/Contract dated 08.06.2017, Annexure P-1, executed between the parties. Petitioner was allotted the work of widening of 66’ road from end point of Municipal Corporation road up to Jalandhar Height II, Jalandhar, (length 2.4 kilometers) and providing HT lines and street lights. Contract was duly executed between the parties.

Dispute arose between the parties and notice/letter dated 20.05.2021 (Annexure P-5) was served upon the respondent by the petitioner invoking arbitration clause no.25. Claim was repudiated by the respondent.

Though reply to the petition has not been filed, existence of an arbitrable dispute between the parties is not denied, neither is the existence of the arbitration clause denied. Learned counsel for the respondent further submits that respondent has no objection to this petition being allowed by this Court.

Keeping in view the facts and circumstances as above, this petition is allowed and Mr. Justice (Retd.) Rakesh Kumar Jain, former Judge, Punjab and Haryana High Court, resident of House No.133, Sector-35, Chandigarh, Mobile No. 09780008134, is appointed as the Sole Arbitrator to resolve the dispute/differences between the parties. Appointment is subject to declaration to be made by the Arbitrator under Section 12 of the Act with regard to his 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 Mr. Justice (Retd.) Rakesh Kumar Jain, former Judge, Punjab and Haryana High Court, at the following address:-

House No.133, Sector-35, Chandigarh, Mobile No. 09780008134.

15.02.2022

Sunil

(LISA GILL)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No