

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CM-4043-CII of 2022 in/and
ARB No. 532 of 2021 (O&M).
Date of Decision:19.04.2022

M/s Oberoi Construction Corporation

.....Applicant

Versus

Punjab Water Supply and Sewerage Board and others

..... Respondents

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Jagdeep Singh Rana, Advocate
for the applicant.

Mr. Ajay Pal Singh, Advocate
for the respondents.

LISA GILL, J(Oral).

CM-4043-CII of 2022.

Written statement filed on behalf of the respondent is taken on
record subject to just exceptions.

Application is accordingly disposed of.

ARB No. 532 of 2021.

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

Certain objections have been raised in the written statement

regarding certain disputes not being within the ambit of the agreement. Though it is also stated that the claim is time barred, learned counsel for the respondent is unable to substantiate such a plea from the file. It is borne out from the file that final bill submitted by the applicant was settled on 14.01.2020 by the respondent. Notice was issued by the applicant on 05.07.2020 within the time frame stipulated in Clause 25 of the agreement as cited by the respondent. Claim was rejected by the respondent on 06.09.2021 and notice of intimation regarding appointment of Arbitrator was issued on 20.09.2021. Thus it cannot be said that there is any impediment in appointment of Arbitrator by this Court.

Admittedly, dispute arose between the parties after execution of Contract Agreement, Annexure P-1. There is no denial of existence of an arbitral dispute between the parties or of the arbitration clause. Needless to say, all the claims/counter claims as raised by the parties would be within the realm of consideration of the learned Arbitrator.

Keeping in view the facts and circumstances as above and the consensus arrived at between the parties, this petition is allowed and Mr. Justice (Retired) Jitendra Chauhan, a former Judge of this High Court, resident of House No. 1501, Sector-36-D, Chandigarh, 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 is 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, to be borne equally by the parties.

A copy of this order be dispatched to Mr. Justice (Retired)

Jitendra Chauhan, a former Judge of this High Court, at the following address:-

House No. 1501, Sector-36-D, Chandigarh.

19.04.2022
s.khan

[LISA GILL]
Judge

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