

**IN THE HIGH COURT OF PUNJAB AND HARYANAAT
CHANDIGARH**

ARB No. 605 of 2021(O&M)

Date of Decision: May 20 , 2022.

M/s Jaswant Rai Verma

..... APPLICANT

Versus

Chandigarh Administration and others

..... RESPONDENT

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Mukand Gupta, Advocate and
Mr. Ishan Gupta, Advocate
for the applicant.

Mr. Mayank Sharma, Advocate
for the respondents.

LISA GILL, J.

Prayer in this petition under Section 11 of the Arbitration and Conciliation Act, 1996 (for short, 'the Act') is for appointment of an independent Arbitrator for resolution of disputes and differences arising out of Agreement, Annexure A1 executed between the parties.

Dispute arose between the parties and notice dated 01.10.2021 (Annexure A5) was served upon the respondent-Corporation by the applicant. Claim was repudiated by the respondent. Section 35 of the CPWD Works Manual, 2012 provides for resolution of the dispute through arbitration.

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

Learned counsel for the respondents is unable to deny that in view of the amended provisions of the Act, the Chief Engineer or an official of the

department cannot be appointed as an Arbitrator.

Keeping in view the facts and circumstances as above, this petition is allowed and Sh. Kuldeep Kumar Kareer, District & Sessions Judge (retd.), resident of House No.262, Sector 7A, Chandigarh, Mobile No.9780055722, 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 Sh. Kuldeep Kumar Kareer, District & Sessions Judge (retd.), at the following address:-

House No.262, Sector 7A, Chandigarh, Mobile No.9780055722.

May 20 , 2022.
'om'

(LISA GILL)
JUDGE

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