

ARB-616-2021

Date of decision :February 09, 2022

M/s Hardev Singh and Co.

.....Petitioner

Versus

State of Punjab and others

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Arun Bansal, Advocate for the petitioner.

Ms. Sunint Kaur, AAG, Punjab.

LISA GILL, J.

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

Present is a petition under Section 11 of the Arbitration & Conciliation Act, 1996, for appointment of a Sole Arbitrator to decide the dispute/claim of the applicant.

Admittedly, the parties entered into an agreement in October, 2015 (Annexure P1). Clause 25.3 thereof provides that arbitration shall be conducted in accordance with the arbitration procedure stated in the Special Conditions of Contract. Relevant extract in relation to arbitration procedure is Clause 4, Part F wherein it is provided that when value of the contract is Rs.50 million and below, the disputes or differences arising therefrom are liable to be referred to the Sole Arbitrator. Clause 4, Part F reads as under:-

“Where the value of the contract is Rs.50 million and below, the disputes or differences arising shall be referred to the Sole Arbitrator.

The Sole Arbitrator should be appointed by agreement between the

parties; failing such agreement, by the appointing authority, namely the President of the Institution of Engineers (India).”

Learned counsel for the State while submitting that the entire amount due in fact stands released to the petitioner, however, on instructions from Sh.Shaminder Singh, XEN Water Supply Department, Faridkot submits that there is no objection to the appointment of sole Arbitrator though there is no consensus regarding appointment of any particular Sole Arbitrator.

Keeping in view the facts and circumstances of the case, this petition is disposed of, by referring the disputes and differences to the President of the Institution of Engineers (India).

February 09, 2022

Rts

(LISA GILL)
JUDGE

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