

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

Arbitration Case No. 204 of 2018

Date of decision: 20.1.2023.

Balwan Singh

Petitioner

Versus

Haryana State Warehouse Corporation

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: None for the petitioner.

Mr. Padamkant Dwivedi, Advocate for the petitioner.

AVNEESH JHINGAN, J (Oral):

This is a petition under Section 11 of the Arbitration and Conciliation Act, 1996 (for short, 'the Act') for appointment of an arbitrator for adjudication of disputes between the parties.

The petitioner was allotted a tender for construction of godown in District Rohtak.

Clause 25(A) of the general terms and conditions provides for dispute resolution through arbitration.

There was dispute between the parties. The petitioner raised claim vide letter dated 2.2.2016. He gave notice dated 12.7.2018 for appointment of the arbitrator. On failure to do the needful, the present petition was filed.

Learned counsel for the respondent submits that as per the arbitration clause, the claim was to be raised within six months.

Learned counsel for the respondent has raised a mixed question of fact and law and same can be dealt by the arbitrator.

The petition is accordingly disposed of by appointing Mr. Surinder Kumar, Addl. District & Sessions Judge (Retd.), #2256,

Sector 7, Karnal as the sole arbitrator subject to declaration to be made by him under Section 12 of the Act with regard to his independence and impartiality to settle the dispute between the parties.

The arbitrator shall be paid fee in accordance with the Fourth Schedule of the Act, as amended. The fee of the arbitrator will be equally borne by both the parties.

The arbitrator is requested to complete the proceedings as per time limit specified under Section 29A of the Act.

It is clarified that the reference shall be subject to the petitioner's complying with all the requirements of the agreement including the condition of pre-deposit.

Copy of the order be sent to the appointed arbitrator.

[AVNEESH JHINGAN]

JUDGE

20th January, 2023.

mk

1. Whether speaking/ reasoned

:

Yes / No

2. Whether reportable

:

Yes / No