

**113 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH
ARB-8-2023**

Date of Decision: 9th January, 2023

R.G. Industries

... Petitioner

Versus

State of Punjab

... Respondent

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr. Rahul Srivastva, Advocate for the petitioner.
Mr. Rajesh Mehta, Additional Advocate General, Punjab.

AVNEESH JHINGAN , J.(Oral)

1. This is a petition under Section 11 (6) of the Arbitration and Conciliation Act, 1996 (for short, 'the Act') for appointment of an Arbitrator for reference and adjudication of disputes between the parties.

2. The petitioner was awarded a tender for channelization of Nallah(Eastern Patiala Drain). It is not disputed that the general conditions of the tender provide for resolving the dispute through Arbitration. As per clause 25, the matter at the first instance is to be referred for settlement to the Engineer and he had to convey his decision within sixty days.

3. As per clause 25(3)(i), in case the decision is conveyed and no claim for Arbitration has been filed by the Contractor within sixty days, the order of the Engineer will attain finality.

4. It is not disputed by the learned counsel for the parties that notice for appointing Arbitrator was issued within sixty days of the decision of the Engineer.

5. The petition is disposed of by appointing Mr. Sanjeev Kumar Garg, District and Sessions Judge (Retd.), resident of # 518, IAS IPS Society, New Chandigarh, Mullanpur as an Arbitrator. The appointment is made subject to declaration to be made by him under Section 12 of the

between the parties.

6. The Arbitrator shall be paid fee in accordance with the Fourth Schedule of the Act, as amended or as may be mutually settled by the parties and the Arbitrator. Fee of Arbitrator will be equally borne by both the parties. The Arbitrator is requested to complete proceedings as per time limit specified under Section 29-A of the Act.

7. It is clarified that the reference shall be subject to 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

9th January, 2023
Parveen Sharma

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