

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

**Arbitration Case No. 17 of 2022
Date of decision: 30th January, 2023**

M/s Brightway Contractors and Developers

Petitioner

Versus

Punjab Heritage and Tourism Promotion Board

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Nimish Gautam, Advocate for the petitioner.
Mr. Sanjeev Sharma, Advocate for the respondent.

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 tender for beautification of Takhat-E-Akbari illumination land scapping Kalanaur. Clause 25 of the general terms and conditions provides for pre-arbitral settlement mechanism and for dispute resolution through arbitration.

The petitioner raised a claim vide notice dated 24.8.2021. On failure of the respondent to settle the issue within the stipulated time, notice under Section 21 of the Act was issued on 22.11.2021. The needful having not been done, the present petition was filed.

Learned counsel for the respondent submits that his objection that the work was non starter be kept open.

Learned counsel for the parties agree that Mr. Surinder Singh, District & Sessions Judge (Retd.) be appointed as an arbitrator.

Accordingly, the present petition is accordingly disposed of by appointing Mr. Surinder Singh, District & Sessions Judge (Retd.), H.

No. 5413, Sector 38 (West), Chandigarh as the sole arbitrator subject to declaration to be made by him under Section 12 of the Act with regard to independence and impartiality to settle the dispute between the parties.

Needless to say that the respondent would be at liberty to raise the pleas as raised for opposing the petition before the arbitrator at an appropriate stage.

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.

Since the main case has been disposed of, pending applications, if any, stand disposed of.

Copy of the order be sent to the appointed arbitrator.

[AVNEESH JHINGAN]
JUDGE

30th January, 2023
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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |