

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

Arbitration Case No. 307 of 2018

Date of decision: 20.1.2023.

Allwin Infrastructure Limited (formerly known as Satish Kumar
Contractors Ltd.)

Petitioner

Versus

Union Territory of Chandigarh through its Advisor, Chandigarh & others

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Nikhil Handu, Advocate for the petitioner.
Ms. Akansha Sawhney, Advocate for the respondents.

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 providing of sports infrastructure in Government School Sector 43, Chandigarh. Clause 25 of the general terms and conditions provides for dispute resolution through arbitration.

There was a dispute between the parties. The petitioner served notice dated 6.2.2018 for appointment of arbitrator. On failure to do the needful, the present petition was filed.

Learned counsel for the respondents submits that the petition is barred by limitation as provided under the clause of general terms and conditions.

The issue of limitation can be raised before the arbitrator.

Learned counsel for the parties consented for appointment of Mr. Krishanjit Singh, Chief Engineer (U.T.), House No. 140, Sector 40-A,

Chandigarh 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.
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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |