

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

ARB No.311 of 2018 (O&M)

DECIDED ON: 15th February, 2023

M/s Gupta Tech

.....PETITIONER

VERSUS

**The Haryana State Co-op Supply and Marketing Federation Limited and
another**

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. Nikhil Kumar Vashisth, Advocate for petitioner.

Mr. Sharad Aggarwal, Assistant Advocate General, Haryana.

Mr. S.K. Mahajan, Advocate for respondent No.1.

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 awarded contract of Construction of 15000 Mts N.C. Plinth in Sugar Mill, HAFED complex at Assandh-(Karnal). Clause 25 of the general terms and conditions provides dispute resolution through arbitration.

There was a dispute between the parties.

The petitioner issued notices dated 18.12.2017 and 22.6.2018. The needful having not been done, the present petition was filed.

Learned counsel for the parties are ad-idem that between the same parties in a similar case (CM-15289-CII of 2022 in Arbitration case No. 309 of 2018) Mr. Balbir Singh District and Sessions Judge (Retd.) was appointed as arbitrator and they agree to appointment of the same arbitrator in this case.

Accordingly, the present petition is disposed of by appointing Mr. Balbir Singh, District & Sessions Judge (Retd.), H. No. 115-SP, Sector 25, Panchkula 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.

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.

15th February, 2023

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(AVNEESH JHINGAN)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>No</i>