

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

Civil Revision No. 3921 of 2018 (O&M)

DECIDED ON: 30th January, 2023

M/s Jaipur Glass and Potteries Works

.....PETITIONER

VERSUS

Haryana Vidhut Parsaran Nigam Ltd.

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. Krishan Sharma Bhardwaj, Advocate for
Mr. Neeraj Goel, Advocate for petitioner.

Mr. Gaurav Jindal, Advocate for respondent
on instructions from Ms. Surendra Singh,
Executive Engineer (S&D) HVPNL, Dhulkot, Ambala.

AVNEESH JHINGAN, J (ORAL)

This civil revision is filed for setting aside order dated 21.2.2015 passed by the Civil Judge, (Sr. Division), Ambala, in Arbitration Petition bearing No. 52-Arb. Dated 23.4.09 in case titled as HVPNL Vs. M/s Jaipur Glass.

Petitioner was allotted tender for supply of material. The general terms and conditions provides mechanism for dispute resolution through arbitration. On request of respondent, the Civil Judge appointed an arbitrator.

The grievance is that an independent arbitrator should be appointed in view of amended Section 12 (5) of the Arbitration and Conciliation Act, 1996.

Learned counsel for the parties on instructions from their client submits that a retired Judicial Officer be appointed as an arbitrator.

Accordingly, the present petition is disposed of accordingly by appointing Mr. R.C. Bansal, District and Sessions Judge, (Retd). r/o H.No. 917 Sector 9, 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 29-A 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 application, if any is rendered infructuous.

(AVNEESH JHINGAN)
JUDGE

30th January, 2023

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