

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

Date of decision: 20.1.2023.

(1) Arbitration Case No. 54 of 2022

M/s The Diamond Cooperative Labour and Construction Society Ltd.
Petitioner

Versus

Executive Engineer (Civil) and another
Respondents

(2) Arbitration Case No. 56 of 2022

M/s The Diamond Cooperative Labour and Construction Society Ltd.
Petitioner

Versus

Executive Engineer (Civil) and another
Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Dheeraj Mahajan, Advocate for the petitioner.
Mr. Ankit Grewal, Advocate for the respondents.

AVNEESH JHINGAN, J (Oral):

The afore-mentioned two petitions are filed 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. Since the parties and issues in both the petitions are common, the same are decided by this order. For convenience, the facts are taken from Arbitration Case No. 54 of 2022.

The petitioner was allotted work for DB Paving on principal yard, Khemkaran, Sub Yard Bhura Kohna, Varnala and Amarkot. 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 20.12.2021 for appointment of arbitrator. On failure to do the needful, the present petition was filed.

Learned counsel for the respondents opposes the prayer for appointment of arbitrator by stating that no payment is due to the petitioner.

As there is dispute between the parties, the petition is accordingly disposed of by appointing Ms. Sunita Kumari Sharma, District & Sessions Judge (Retd.), 103, Krishna Square-I, near Celebration Mall, Amritsar as the sole arbitrator in both the petitions subject to declaration to be made by her under Section 12 of the Act with regard to her 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.

Photocopy of the order be placed on the file of connected case.

[AVNEESH JHINGAN]
JUDGE

20th January, 2023.

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