

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

Arbitration Case No. 76 of 2022 (O&M)

Date of decision: 27th March, 2023

M/s P. K. Verma and Company

Petitioner

Versus

Union of India and another

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Dheeraj Mahajan, Advocate for the petitioner.
Mr. Shivoy Dhir, Senior Penal Counsel for UOI.

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 work for construction of four numbers limited height sub-way. Clause 64 of the general terms and conditions provides for pre-arbitral settlement mechanism and for dispute resolution through arbitration.

The petitioner raised a claim vide letter dated 28.8.2019 and thereafter on 16.7.2020. Notice under Section 21 of the Act was issued on 1.1.2021. The needful having not been done, the present petition was filed.

Learned counsel for Union of India on instructions submits that as per the respondent no amount is due.

Prima facie, there is dispute between the parties.

Learned counsel for the parties agree to the appointment of Mr. T.R. Bansal, Additional District & Sessions Judge (Retd.) as sole arbitrator.

Accordingly, the present petition is accordingly disposed of by appointing Mr. T.R. Bansal, Additional District & Sessions Judge (Retd.), H. No. 768, Sector 22-A, 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.

27th March, 2023
mk

[AVNEESH JHINGAN]
JUDGE

1. Whether speaking/ reasoned

:

Yes / No
2. Whether reportable

:

Yes / No