

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

ARB-75-2022 (O&M)
Date of Decision:- 21.7.2023

M/s New Om Construction Company ... Petitioner

Versus

UOI and another ... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. G.S. Bhatia, Advocate for the petitioner.

Mr. Samrit Gill, Advocate for
Mr. Shivoy Dhir, Advocate
Sr. Panel Counsel for the respondent-UOI.

GURVINDER SINGH GILL, J.

1. The present petition has been filed under Section 11 of the Arbitration and Conciliation Act, 1996 (in short hereinafter referred to as 'the Act') for appointment of an Arbitrator.
2. Admittedly, the parties had entered into an agreement dated 7.4.2014 (Annexure P-1) wherein the respondents had allotted the work for providing of OTM ACCN (Ph-II) at Bikaner Mil Station.
3. Clause 70 of the Agreement dated 7.4.2014 provides for resolution of dispute through Arbitration. The clause also provided that the proceedings shall be held at such place or places as may be fixed by the Arbitrator.
4. A dispute having arisen, the petitioner served notice dated 8.1.2022 (Annexure P-4). On failure of respondents to do the needful, the instant petition is filed.

5. At the outset learned counsel for the parties submitted that they have express instructions from their respective clients that this Court may appoint any independent and impartial Arbitrator to decide the disputes between the parties.
6. Accordingly, Justice Navita Singh (Retd.) is appointed as the sole Arbitrator. However, such appointment would be subject to the declaration to be made by Justice Navita Singh (Retd.) under Section 12 of the Act with regard to his independence and impartiality to settle the disputes between the parties.
7. The Arbitrator shall be paid fee in accordance with the Fourth Schedule of the Act, as amended or as may be mutually settled by the parties and the Arbitrator.
8. As per agreement expressed by learned counsel for the parties, for the sake of the convenience of their respective clients, as also of the Arbitrator, the venue for the Arbitration shall be at Arbitration Centre, Chandigarh or at any other place convenient to all concerned.
9. After seeking convenience of the Arbitrator, the parties are directed to appear before him on 8.8.2023 at 11:00 A.M. or any other date suitable to all concerned.
10. A copy of this order be sent to the appointed Arbitrator at the given address :

H.No. 309, 9th Floor, Jaishree Towers,
Swastik Vihar, Mansa Devi Complex,
Sector-5, Panchkula.

Phone No. 8558809911

11. The petition is accordingly disposed of in the above mentioned terms.

21.7.2023

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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned
Whether Reportable

Yes / No
Yes / No