

**RA-CR No. 32 of 2023 in
Arbitration Case No. 309 of 2022**

[1]

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

**RA-CR No. 32 of 2023 in
Arbitration Case No. 309 of 2022
Date of decision: 10th March, 2023**

M/s Rana Builders

Applicant

Versus

State of Punjab and others

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Aakash Singla, Advocate for the applicant.
Mr. Charanpreet Singh, AAG, Punjab.

AVNEESH JHINGAN, J (Oral):

1. This application is filed seeking review of order dated 20.1.2023 whereby the arbitrator was appointed as per the terms and conditions of tender.
2. The review is sought that there should be no direction to pre-deposit in view of the judgment of the Supreme Court in *M/s ICOMM Tele Ltd. vs. Punjab State Water Supply and Sewerage Board and another, 2019(4) SCC 401*.
3. On a specific query, learned counsel for the applicant is unable to point out that any such plea was raised before the arbitrator and that the said plea has been rejected.
4. It would not be out of place to mention that till date there is no challenge made to Clause 25A of terms and conditions of tender.
5. There cannot be any quarrel on the proposition that at the stage of Section 11 of Arbitration and Conciliation Act, 1996 this court has to only satisfy itself of prima facie dispute between the parties and existence

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[2]

of valid arbitration clause.

- 6. Consequently, no case is made out for entertaining the review .
- 7. Dismissed.

**[AVNEESH JHINGAN]
JUDGE**

10th March, 2023
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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |