

Arbitration Case No. 77 of 2022

[1]

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

Arbitration Case No. 77 of 2022 (O&M)

Date of decision: 1st March, 2023

M/s Deantech Construction

Petitioner

Versus

Sepset Properties Private Limited and others

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Ms. Pranati Jaswal, Advocate for the petitioner.
Mr. J. S. Rana, Advocate for the respondents.

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 parties entered in construction work agreement. Clause 17 of the general terms and conditions provides for dispute resolution through arbitration mechanism. As per the clause, the arbitration proceedings are to be held at Gurgaon.

There was a dispute between the parties.

The petitioner served notice dated 27.10.2021 for appointment of arbitrator. The needful having not been done, the present petition was filed.

Reply filed on behalf of the respondents is taken on record.

Prima facie, there is dispute between the parties.

Learned counsel for the parties agree to the appointment of Mr. Vinod Jain, District & Sessions Judge (Retd.) as sole arbitrator.

Accordingly, the present petition is disposed of by appointing Mr. Vinod Jain, District & Sessions Judge (Retd.) H. No. 381, Sector 1,

IMT, Manesar (Gurtgaon) as sole arbitrator.

Needless to say that the respondent would be at liberty to raise the issue of limitation before the arbitrator.

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.

1st March, 2023

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[AVNEESH JHINGAN]

JUDGE

1. Whether speaking/ reasoned

:

Yes / No
2. Whether reportable

:

Yes / No