

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

ARB-82-2022

Date of decision: 24th May, 2023

Faqir Chand

...Petitioner

Versus

State of Punjab and others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. R.K. Girdhar, Advocate for the petitioner.
Mr. Charanpreet Singh, AAG, Punjab.

AVNEESH JHINGAN, J (Oral):

1. 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.

2. The petitioner was allotted work for clearing Weed, Booti, Jalla, Sarkand etc. Clause 34 of the general terms and conditions provides for dispute resolution through arbitration.

3. The petitioner issued notice dated 10th January, 2022 for invoking arbitration. On failure to do the needful, the present petition has been filed.

4. Clause 35 provides for jurisdiction at Gidderbaha, District Sri Muktsar Sahib. However, learned counsel for the parties agree for the appointment of Mr. P.L. Ahuja, District and Sessions Judge (Retd.) as sole arbitrator.

5. Learned counsel for the respondent submits that liberty be granted to raise all issues before the arbitrator.

6. The petition is accordingly disposed of by appointing

Vihar, Patiala Road, Zirakpur as the sole arbitrator. The arbitrator is appointed subject to declaration to be made by him under Section 12 of the Act with regard to his independence and impartiality to settle the dispute between the parties.

7. Needless to say that the respondent would be at liberty to raise all the issues before the arbitrator. The arbitrator shall be paid fee in accordance with the Fourth Schedule of the Act, as amended. He is requested to complete the proceedings as per time limit specified under Section 29A of the Act.

8. It is clarified that the reference shall be subject to the petitioner's complying with all the requirements of the agreement.

9. Copy of the order be sent to the appointed arbitrator.

10. Since the main case has been decided, pending application, if any is rendered infructuous.

[AVNEESH JHINGAN]
JUDGE

24th May, 2023
Parveen Sharma

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