

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

Arbitration Case No. 80 of 2022

Date of decision: 20.1.2023.

Sandeep Kundu

Petitioner

Versus

Executive Engineer, HSVP and others

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Rajveer Singh, Advocate for the petitioner.
Mr. Deepak Balyan, 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 petitioner was allotted work of providing external Sewer at Sirsa. Clause 25(A) of the general terms and conditions provides for pre-arbitral mechanism and for dispute resolution through arbitration.

The petitioner raised a claim, on failure of the Engineer to settle the issue within 60 days, notice under Section 21 of the Act was issued on 27.12.2021. The needful having not been done, the present petition was filed.

Learned counsel for the parties agree that Mr. J. R. Chauhan, District & Sessions Judge (Retd.) be appointed as an arbitrator.

Accordingly, the present petition is accordingly disposed of by appointing Mr. J. R. Chauhan, District & Sessions Judge, (Retd.), H. No. 2151, Sector 13-17, Panipat as the sole arbitrator 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.

Needless to say that the respondent would be at liberty to raise the aforesaid pleas 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.

[AVNEESH JHINGAN]
JUDGE

20th January, 2023.

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