

2023:PHHC:086109

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

ARB-81-2022 (O&M)
Date of Decision:- 7.7.2023

M/s Chaman Lal and Sons

... Petitioner

Versus

Chief Engineer (N) and others

... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Dheeraj Mahajan, Advocate for the petitioner.

Mr. Charanpreet Singh, AAG, Punjab.

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 wherein the respondents allotted the work for construction of retro-fitted bus shelter at Corridor No. 3, Civil Hospital Site under BRTS Scheme in Amritsar (under JNURUM Scheme).
3. Clause 25 of the Agreement (Annexure P-2) provides for dispute resolution through Arbitration. The clause also provides that the proceedings shall be held at such place or places in Punjab or Chandigarh as may be fixed by the Arbitrator.

4. A dispute having arisen, the petitioner served notice dated 7.12.2021. 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 instructions from their respective clients that this Court may appoint any independent and impartial Arbitrator to decide the disputes between the parties.
6. Accordingly, Sh. Sukhdev Singh, Additional District & Sessions Judge (Retd.) is appointed as the sole Arbitrator. However, such appointment would be subject to the declaration to be made by Sh. Sukhdev Singh, Additional District & Sessions Judge (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, Amritsar 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 24.7.2023 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 :

Near S.D.M. Residence,
Hira Mahal Colony, Nabha,
District Patiala, Punjab – 147201,
Phone No.98152-94814

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

7.7.2023
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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No