

**Arbitration Case No. 217 of 2021**

**[1]**

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

**Arbitration Case No. 217 of 2021**

**Date of decision: 12<sup>th</sup> January, 2023**

M/s Mann Builders

Petitioner

Versus

The Northern Railways and others

Respondents

**CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN**

Present: Mr. Nikhil Handu, Advocate for  
A. K. Gupta, Advocate for the petitioner.  
Mr. Arvind Seth, Advocate for the respondent.

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**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.

Tender was allotted to the petitioner for constructing Road over Bridge. Clause 64 of the general conditions of contract provided for dispute resolution through arbitration.

The petitioner gave notice dated 4.10.2020. On failure to do the needful, the present petition has been filed.

Learned counsel for the respondent vehemently opposes the prayer and submits that the petitioner never responded to letter given for his waiver in view of amendment of Section 12(5) of the Act.

The fact that there are differences between the parties is not disputed by counsel for the parties.

The respondent having failed to act on the notice under Section 21 of the Act, the present petition is disposed of by appointing

Mr. Justice Jaspal Singh, former Judge of this court, H. No. 506, Lane 9N/1, The Foothills Co-op. Residential Society, New Chandigarh 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.

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.

Copy of the order be sent to the appointed arbitrator.

**[AVNEESH JHINGAN]**  
**JUDGE**

**12<sup>th</sup> January, 2023**  
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|-------------------------------|---|----------|
| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable         | : | Yes / No |