

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

**Arb Case No. 104 of 2022 (O&M)**

**DECIDED ON: 15<sup>th</sup> February, 2023**

**M/s The Gold Star Co-operative Labour and Construction  
Society Ltd. Through its President Harish Mahajan**

**.....PETITIONER**

**VERSUS**

**Chairman-cum-Managing Director of PSTCL, Baradari, Patiala  
and another**

**.....RESPONDENTS**

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

Present: Mr. Nimish Gautam, Advocate for  
Mr. Dheeraj Mahajan, Advocate for petitioner.

Mr. Vikas Mohan Gupta, Advocate for respondents.

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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.

The petitioner was allotted work for Earth Filling for up-gradation for G.I.S. at 220 KV Sub Station Sherpur. Clause 3.19 of the general terms and conditions provides for mechanism of pre-arbitration and for dispute resolution through arbitration.

There was a dispute between the parties.

The petitioner raised claim vide notice dated 4.1.2022. A notice dated 8.2.2021 under Section 21 of the Act was issued. The needful having not been done, the present petition was filed.

Learned counsel for the respondent seeks liberty to raise the issue of limitation before the arbitrator.

Learned counsel for the parties agree to the appointment of Mr. B.S.

**Mehandiratta, District and Sessions Judge (Retd.).**

Accordingly, the present petition is disposed of by appointing Mr. B.S. Mehandiratta, District and Sessions Judge (Retd.), R/o H. No. 2509, Extension 6, near Kidzee School, Old Sunny Exclave, Kharar, SAS Nagar, Mohali, 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.

15<sup>th</sup> February, 2023

*reema*

(AVNEESH JHINGAN)  
JUDGE

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|----------------------------------|------------|
| <i>Whether speaking/reasoned</i> | <i>Yes</i> |
| <i>Whether reportable</i>        | <i>No</i>  |