

Arbitration Case No. 223 of 2021

[1]

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

Arbitration Case No. 223 of 2021

Date of decision: 14th February, 2023

M/s Gupta Tech

Petitioner

Versus

Haryana State Warehousing Corporation

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Nikhil Kumar Vashisht, Advocate for the petitioner.
Mr. Randeep Tanwar, Advocate for the respondent.

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 construction of 7854 Mts capacity godown. Clause 25A of the general terms and conditions provides for mechanism of pre-arbitration and for dispute resolution through arbitration. Gurgaon.

There was a dispute between the parties.

The petitioner raised claim vide notice dated 30.6.2018. Thereafter, he served notice dated 22.2.2019 for appointment of arbitrator. 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. V. K. Bakshi, District & Sessions Judge (Retd.)

Accordingly, the present petition is disposed of by appointing Mr. V. K. Bakshi, District & Sessions Judge (Retd.) Advocate, H. No. 1724,

Sector 9, Karnal 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.

14th February, 2023

mk

[AVNEESH JHINGAN]

JUDGE

1. Whether speaking/ reasoned

:

Yes / No
2. Whether reportable

:

Yes / No