

2023:PHHC:142430

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

ARB-132-2022 (O&M)
Date of Decision:-8.11.2023

M/s Talwinder Singh and Company

... Petitioner

Versus

The Divisional Engineer (Civil), Amritsar Development Authority and others

... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

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

Ms. Jyoti Sareen, Advocate,
for the respondents.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking appointment of an Arbitrator in terms of provisions of Section 11(6) of Arbitration and Conciliation Act, 1996 as amended by the Arbitration and Conciliation (Amendment) Act 2015 (3 of 2016).
2. Learned counsel representing respondents has not disputed that the parties had entered into a contract/agreement (Annexure P-1). Learned counsel has

fairly stated that in view of clause regarding resolving of dispute by way of arbitration i.e. Clause No.25 of the contract/agreement, the respondents do not have any objection for appointment of an arbitrator but the respondents may be permitted to raise all the pleas as may be available to the respondents including the plea of limitation before the Arbitrator.

3. Accordingly, Justice Jaishree Thakur (Retd.) is appointed as the sole Arbitrator. However, such appointment would be subject to the declaration to be made by Justice Jaishree Thakur (Retd.) under Section 12 of the Act with regard to his independence and impartiality to settle the disputes between the parties.
4. 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.
5. The Arbitrator may conduct proceedings at Arbitration Centre, Chandigarh or at any other place convenient to all concerned.
6. After seeking convenience of the Arbitrator, the parties are directed to appear before him on 11.12.2023 at 11:00 A.M. or any other date suitable to all concerned.
7. A copy of this order be sent to the appointed Arbitrator at the given address :

House No. 36, Sector 8-A,
Chandigarh.
Phone No.98141-25236
8. It is, however, clarified that the respondents would be at liberty to raise all the pleas as may be available to the respondents before the Arbitrator including the plea as regards limitation.

9. The instant petition stands accordingly disposed of in the above mentioned terms.

8.11.2023

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Whether speaking /reasoned

Whether Reportable

(Gurvinder Singh Gill)

Judge

Yes / No

Yes / No