

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

Arbitration Case No. 292 of 2021 (O&M)

Date of decision: 19th January, 2023

PEC-Center for Consultancy in Engineering

Petitioner

Versus

Vinay Kumar Jain

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Ashwani Talwar, Advocate for the petitioner.
Mr. A. K. Ahuja, 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 respondent was appointed as Chief Executive Officer vide appointment letter dated 9.11.2011 which was extended from time to time. The appointment letter itself provides for dispute resolution through arbitration. The petitioner raised a dispute vide letter dated 2.3.2021 *inter alia* stating that the respondent exercising the powers of Drawing & Disbursing Officer had withdrawn excess amount.

Learned counsel for the respondent submits that the allegations against the petitioner are of fraud and embezzlement.

There is no contention raised that the appointment letter and the terms and conditions were result of fraud or the arbitration clause is invalidated on the ground of fraud.

Accordingly, the present petition is accordingly disposed of by appointing Mr. Justice Ram Chand Gupta, retired Judge of this Court, #215 CP, Sector 4, M.D. C., Panchkula 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.

Needless to say that the respondent would be at liberty to raise the pleas as raised for opposing the petition before the arbitrator at an appropriate stage.

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.

[AVNEESH JHINGAN]
JUDGE

19th January, 2023
mk

- | | | |
|-------------------------------|---|----------|
| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |