

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

**Arbitration Case No. 154 of 2022
Date of decision: 24th January, 2023**

The Ballabgarh Co-op, L&C Society Ltd.

Petitioner

Versus

The Chief Administrator, Haryana Shahari Vikas Pradhikaran & others

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Himanshu, Advocate for the petitioner.
Mr. Viresh Dahiya, Advocate for the respondents.

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 tender for construction of police station. Clause 25(A) of the general terms and conditions provides for pre-arbitral settlement mechanism and for dispute resolution through arbitration.

It is not disputed by learned counsel for the respondents that the petitioner had approached for pre-arbitral settlement and thereafter served notice dated 7.10.2019. On failure to do the needful, the present petition was filed.

Learned counsel for the parties agree to the appointment of Mr. K. C. Sharma, District & Sessions Judge (Retd.).

Accordingly, the present petition is accordingly disposed of by appointing Mr. K. C. Sharma, District & Sessions Judge (Retd.), BB-2, VILLA-3, Ground Floor, VIP Floors, Sector 81, Faridabad as the sole

arbitrator subject to declaration to be made by him under Section 12 of the Act with regard to 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.

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

24th January, 2023
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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |