

Arbitration Case No. 290 of 2021

[1]

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

Arbitration Case No. 290 of 2021

Date of decision: 3rd February, 2023

M/s Anindya Infratech Pvt. Ltd.

Petitioner

Versus

KEC International Ltd. and another

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Kapil Gupta, Advocate for the petitioner.
Mr. Atul Goyal, 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.

On 16.12.2022, following order was passed:

“This is an application filed under Section 11(6) of the Arbitration and Conciliation Act, 1996 seeking appointment of an arbitrator to adjudicate upon the disputes between the parties in terms of clause 19 of the contract dated 26.12.2019 (Annexure P-1) entered into between the parties for construction of structure work of 2 ROB at LC-117 & 119. It is submitted that in spite of the notice dated 28.9.2020 being issued to the respondents under the said clause for appointment of an arbitrator, no arbitrator has been appointed.

As the prayer for appointment is not opposed and therefore, with the consent of the parties, this Court proposes

to appoint Justice Virendra Vikram Singh, former Judge of Allahabad High Court, as sole arbitrator to adjudicate upon the disputes between the parties.

In the circumstances, necessary declaration as required under Section 12 of the Act be obtained from Justice Virendra Vikram Singh and the same be placed on record.

List on 3.2.2023.”

In compliance with the aforesaid order, declaration as required under Section 12 of the Act has been received.

Accordingly, the present petition is disposed of by appointing Mr. Justice Virendra Vikram Singh, former Judge of Allahabad High Court as sole 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.

[AVNEESH JHINGAN]
JUDGE

3rd February, 2023
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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |