

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

Arbitration Case No. 67 of 2020 (O&M)
Date of decision: 11th May, 2023

Qurban Ali

Petitioner

Versus

General Manager, Northern Railways and another

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Dheeraj Mahajan, Advocate for the petitioner.
Mr. Shivoy Dhir, Sr. Standing counsel for the respondents.

AVNEESH JHINGAN, J (Oral):

1. 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.
2. The brief facts are that the petitioner was awarded a tender for upgradation of existing level crossing to higher category. Clause 64 of the general terms and conditions provided for dispute resolution through arbitration. Arbitration proceedings were initiated at the instance of the petitioner. Mr. D. K. Sharma, Deputy Chief Manager, Northern Railways was appointed as sole arbitrator. He entered the reference on 28.7.2018. The time to conclude the proceedings was extended by six months with the consent of the parties which expired on 28.1.2020. The arbitrator failed to pass the award within the stipulated time. On 19.2.2020, the petitioner served the notice for appointment of new arbitrator, hence the present petition.
3. Notice of motion in this petition was issued on 28.5.2020. Twice opportunities were given to the respondents to inform the court as to whether an application for extension of time was moved.
4. No information was provided, considering that the term of the

arbitrator had expired on 6.7.2022, passing of the final award was stayed by this court.

5. Learned counsel for the parties on instructions from the clients agree to the appointment of Ms. Justice Navita Singh, former Judge of this Court as sole arbitrator.

6. The petition is accordingly disposed of by appointing Ms. Justice Navita Singh, former Judge of this Court, H. No. 309, Jaishree Tower, Swastik Vihar, MDC-5, Panchkula as the sole arbitrator. The arbitrator is appointed subject to declaration to be made by her under Section 12 of the Act with regard to her independence and impartiality to settle the dispute between the parties.

7. The arbitrator shall be paid fee in accordance with the Fourth Schedule of the Act, as amended.

8. The arbitrator is requested to complete the proceedings as per time limit specified under Section 29A of the Act.

9. It is clarified that the reference shall be subject to the petitioner's complying with all the requirements of the agreement.

10. Copy of the order be sent to the appointed arbitrator.

11. Since the main petition has been disposed of, pending application, if any, is rendered infructuous.

[AVNEESH JHINGAN]
JUDGE

11th May, 2023
mk

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