

Arbitration Case No. 152 of 2022

[1]

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

Arbitration Case No. 152 of 2022

Date of decision: 31st January, 2023

Ashok Kumar Contractor

Petitioner

Versus

The State of Punjab and others

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. R. K. Girdhar, Advocate for the petitioner.
Mr. Rajesh Mehta, Addl. AG, Punjab.

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 supplying and laying of UPVC pipes, construction of Sewage Treatment Plant base on Waste stabilization pond technology. Clause 25.3 of the general terms and conditions provides for dispute resolution through arbitration. As per clause 25.3(d), the arbitration proceedings are to be held at Faridkot.

There was a dispute between the parties.

The petitioner served notice dated 2.3.2022 for appointment of an arbitrator. On failure to do the needful, the present petition was filed.

Learned counsel for the parties agree to the appointment of a retired Judge of this court. They also agree that venue of arbitration proceedings shall be decided by the arbitrator.

Accordingly, the present petition is accordingly disposed of by appointing Mr. Justice Gurmit Ram, retired Judge of this court, # 84,

Sector 77 Judges Enclave, SAS Nagar, Mohali as the sole arbitrator subject to declaration to be made by her 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

31st January, 2023
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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |