IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Date of decision: 31st January, 2023

(1) Arbitration Case No. 162 of 2022

Mukesh Kumar through his LR

Petitioner

Versus

State of Haryana and others

Respondents

(2) Arbitration Case No. 166 of 2022

Mukesh Kumar through his LR

Petitioner

Versus

State of Haryana and others

Respondents

(3) Arbitration Case No. 167 of 2022

Mukesh Kumar through his LR

Petitioner

Versus

State of Haryana and others

Respondents

(4) Arbitration Case No. 168 of 2022

Mukesh Kumar through his LR

Petitioner

Versus

State of Haryana and others

Respondents

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(5) Arbitration Case No. 252 of 2022

Mukesh Kumar through his LR

Petitioner

Versus

State of Haryana and others

Respondents

(6) Arbitration Case No. 254 of 2022

Mukesh Kumar through his LR

Petitioner

Versus

State of Haryana and others

Respondents

(7) Arbitration Case No. 411 of 2022

Mukesh Kumar through his LR

Petitioner

Versus

State of Haryana and others

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Lajpat Sharma, Advocate for the petitioner(s).
Mr. Sharad Aggarwal, AAG, Haryana.

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AVNEESH JHINGAN, J (Oral):

This order shall dispose of above-mentioned seven petitions, as the parties are common and the dispute arises out of different contracts.

For the sake of convenience, facts are being taken from Arbitration Case No. 162 of 2022.

This is a petition under Section 11 of the Arbitration and

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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 providing tubewell in village Nurpur under W/S Scheme Ghukawas, District Rewari . Clause 25(a) of the general terms and conditions provides for pre-arbitration mechanism and dispute resolution through arbitration.

The petitioner raised the claim vide notice dated 20.8.2021. Thereafter, notice under Section 21 of the Act was issued on 6.4.2022. The needful having not been done, the present petition was filed.

Learned counsel for the respondents submits that the issue of invoking arbitration proceedings as beyond limitation be kept open.

Learned counsel for the parties agree to the appointment of District/Additional District & Sessions Judge at Gurugram.

Accordingly, the present petition is accordingly disposed of by appointing Mr. Arun Kumar Singhal, District & Sessions Judge (Retd.), C/o Mr. M. R. Singhal, A-61, Second Floor, Palladians, near Baani Square, Sector 47, Gurugram 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.

Needless to say that the respondents would be at liberty to raise the objections before the 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

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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 cases have been disposed of, pending applications, if any, stand disposed of.

Copy of the order be sent to the appointed arbitrator.

Photocopy of the order be placed on the file of each connected case.

[AVNEESH JHINGAN]
JUDGE

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

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