

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

Arbitration Case No. 321 of 2021

Date of decision: 16th January, 2023

M/s Garg and Company

Petitioner

Versus

State of Haryana and others

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. I. S. Pabla, Advocate for the petitioner.
Mr. Sharad Aggarwal, AAG, Haryana.
Mr. Prateek Mahajan, Advocate for respondents No. 4 to 6.

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 office building on Bays No. 11 to 16 in Sector 12, Karnal.

Disputes resolution mechanism has been provided in general conditions in Part-A of the agreement.

There was dispute between the parties.

The petitioner gave notice dated 31.1.2021. On failure to do the needful, the present petition was filed.

Learned counsel for the parties are *ad idem* that arbitrator with seat at Karnal be appointed.

The petition is accordingly disposed of by appointing Mr. Surinder Kumar, Addl. District & Sessions Judge (Retd.), H. No. 2256, Sector 7, Karnal as the sole arbitrator subject to declaration to be made by him under Section 12 of the Act with regard to his 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.

Copy of the order be sent to the appointed arbitrator.

[AVNEESH JHINGAN]
JUDGE

16th January, 2023
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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |