

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

Arbitration Case No. 203 of 2022
Date of decision: 31st January, 2023

Balwant Singh Contractor

Petitioner

Versus

The State of Punjab and others

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. R. K. Girdhar, Adocate for the petitioner.
Mr. Rajesh Mehta, Addl. AG, Punjab.
Mr. Mrigank Sharma, Advocate for respondents No. 2 to 4.

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 High Level Bridge. Clause 25-A of the general terms and conditions provides for pre-arbitral settlement mechanism and for dispute resolution through arbitration.

The petitioner raised a claim vide notice dated 24.8.2021. Thereafter notice under Section 21 of the Act was issued on 28.3.2022. The needful having not been done, the present petition was filed.

Learned counsel for the respondents raise an objection that full and final payment was made to the petitioner.

From the contention of learned counsel for the respondents, it is evident that *prima facie* there is dispute between the parties. Clause of the arbitration is also not disputed.

Learned counsel for the parties agree that Mr. S.P. Sood, Addl.

District & Sessions Judge (Retd.) be appointed as an arbitrator.

Accordingly, the present petition is accordingly disposed of by appointing Mr. S. P. Sood, Addl. District & Sessions Judge (Retd.), H. No. 26, Hira Bagh, Rajpura Road, Patiala 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 pleas as raised for opposing the petition before the arbitrator at an appropriate stage.

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 |