

Arbitration Case No. 103 of 2021

[1]

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

Arbitration Case No. 103 of 2021

Date of decision: 17th February, 2023

M/s Satish Kumar Aggarwal and Co.

Petitioner

Versus

Municipal Corporation, Bhatinda and another

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Mayank Mathur, Advocate for the petitioner.
Mr. SPS Tinna, Advocate for the respondents.

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 work of development of infrastructure in Zone No. 1, 2, 7 and 8 of Municipal Corporation Bathinda. Clause 25 of the general terms and conditions provides for pre-arbitration mechanism and for dispute resolution through arbitration.

There was a dispute between the parties.

The petitioner raised claim vide letter dated 9.9.2019. Thereafter, the petitioner served notice dated 16.12.2019 for appointment of arbitrator. The needful having not been done, the present petition was filed.

Learned counsel for the parties agree to the appointment of Mr. Mohinder Pal Singh Pahwa, Addl. District & Sessions Judge (Retd.).

Accordingly, the present petition is disposed of by appointing Mr. Mohinder Pal Singh Pahwa, Addl. District & Sessions Judge (Retd.) H. No. 35-36, Captain Karam Singh Nagar, Sangrur as sole 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 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.

17th February, 2023

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[AVNEESH JHINGAN]
JUDGE

1. Whether speaking/ reasoned

:

Yes / No
2. Whether reportable

:

Yes / No