

**229 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH
ARB-217-2022
Date of Decision: 24th March, 2023**

M/s Enviro Infra Engineers Private Limited

... Petitioner

Versus

Haryana Shahri Vikas Pradhikaran Division (HSVP) ... Respondent

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Ms. Isha Goyal, Advocate for the petitioner.
Mr. Nitin Kaushal, Advocate for the respondent.

AVNEESH JHINGAN , J.(Oral)

1. 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.

2. The petitioner was allotted tender for the works i.e. Designing, engineering, procurement, construction, installation, testing, Commissioning of 18 MLD Capacity of coarse screen, main pumping station and 6 MLD Common Effluent Treatment Plant (CETP), pressure filter, activated carbon etc. at Industrial Estate Greater Kundli, Sonapat. Clause 25-A of the general terms and conditions provides for pre-arbitral settlement mechanism and for dispute resolution through arbitration.

3. The petitioner raised claim vide notice dated 7.8.2021. The petitioner served notice under Section 21 of the Act on 24.8.2021. The needful having not been done, the present petition was filed.

4. Learned counsel for the respondent submits that liberty be granted to raise all legal objections in arbitral proceedings.

5. Learned counsel for the parties agree to the appointment of Mr. Ram Niwas Bharati, District & Sessions Judge (Retd.) as sole arbitrator.

6. Accordingly, the present petition is disposed of by appointing Mr. Ram Niwas Bharati, District & Sessions Judge (Retd.) # 900, Sector-7, B, Chandigarh 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.

7. 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.

8. The arbitrator is requested to complete the proceedings as per time limit specified under Section 29A of the Act.

9. Needless to say that the respondent shall be at liberty to raise all the legal objections before the arbitrator.

10. 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.

11. Since the main case has been disposed of, pending applications, if any, stand disposed of.

12. Copy of the order be sent to the appointed arbitrator.

(AVNEESH JHINGAN)
JUDGE

24th March, 2023

mk/anuradha

Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No