

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

Arbitration Case No. 218 of 2022 (O&M)

Date of decision: 30th January, 2023

Rajinder Infrastructure Pvt. Ltd.

Petitioner

Versus

State of Punjab and others

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Nikhil Handu, Advocate for
Mr. A. K. Gupta, Advocate for the petitioner.
Mr. Rajesh Mehta, Addl. AG, Punjab.

AVNEESH JHINGAN, J (Oral):

CM-1844-C-II-2023

This is an application for placing on record for amended memo of parties.

Notice in the application.

Mr. Rajesh Mehta, Addl. AG, Punjab accepts notice on behalf of the respondent.

For the reasons mentioned in the application, the same is allowed, amended memo is taken on record.

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 for maintenance and repair of Chandigarh -Landra-Chunni-Sirhind Road. Clause 25 of the general terms and conditions provides for dispute resolution through arbitration.

There was a dispute between the parties.

The petitioner raised claim vide notice dated 19.4.2021. On

failure to do the needful, notice dated 9.9.2021 invoking arbitration was served. On failure to do the needful, the present petition was filed.

Learned counsel for the respondents seeks liberty to raise the objection before the arbitrator.

Learned counsel for the parties agree to the appointment of Mr. Justice Jaspal Singh, retired Judge of this court.

Accordingly, the present petition is accordingly disposed of by appointing Mr. Justice Jaspal Singh, retired Judge of this court, H. No. 506, Lane No. 9N/1, The Foothills Cooperative Society, Mullanpur, SAS Nagar 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 legal issues 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 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

30th January, 2023

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1. Whether speaking/ reasoned	:	Yes / No
2. Whether reportable	:	Yes / No