

Arbitration Case No. 356 of 2021 and connected case [1]

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

Date of decision: 12th January, 2023

(1) Arbitration Case No. 356 of 2021

SRA Construction Company Private Ltd.

Petitioner

Versus

Punjab Urban Planning and Development Authority and others

Respondents

(2) Arbitration Case No. 362 of 2021

SRA Construction Company Private Ltd.

Petitioner

Versus

Punjab Urban Planning and Development Authority and others

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. J. S. Rana, Advocate for the petitioner(s).

Mr. Balwinder Singh, Advocate for the respondents

AVNEESH JHINGAN, J (Oral):

The afore-mentioned two petitions have been filed under Section 11 of the Arbitration and Conciliation Act, 1996 (for short, 'the Act') for appointment of an arbitrator. As the parties are common and the facts are similar, both the petitions are being decided by a common order. For the sake of convenience, facts are being taken from Arbitration Case No. 356 of 2021.

The petitioner was allotted tender. It is an undisputed fact that

Arbitration Case No. 356 of 2021 and connected case [2]

Clause 25 of the general terms and conditions provides for dispute resolution mechanism.

The petitioner gave notice dated 27.11.2019. On failure to do the needful, the present petition has been filed.

Learned counsel for the respondents submits that as per the audit conducted, there is no payment due rather it was found that Rs.7,16,526/- is recoverable from the petitioner. Even as per the arguments of the respondents, there is difference between the parties.

Considering that it would be convenient for both the parties to have arbitration proceedings at Jalandhar more-so when the entire record would be available in Jalandhar office, the present petitions are disposed of by appointing Mr. Bua Jee Sansi, Addl. District & Sessions Judge (Retd.), H. No. 59, Tara Singh Avenue, Basti Bawa Khel, Kapurthala Road, Jalandhar 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.

Photocopy of the order be placed on the file of connected case.

**[AVNEESH JHINGAN]
JUDGE**

12th January, 2023
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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |