

Arbitration Case No.224 of 2022

2022:PHHC:173576

[1]

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

Arbitration Case No. 224 of 2022

Date of decision: 1st May, 2023

Gurmail Singh contractor

Petitioner

Versus

State of Punjab and others

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. R. K. Girdhar, Advocate for the petitioner.
Mr. Charanpreet Singh, AAG, Punjab.

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 work for rain water harvesting, bore hole etc. Clause 24 of the general terms and conditions provides for pre-arbitration mechanism and Clause 25.3 provides for dispute settlement through arbitration.
3. There was a dispute between the parties.
4. The petitioner served pre-arbitration notice dated 12.2.2019. As no decision was taken, as per Clause 24, the petitioner served notice dated 3.6.2019 for appointment of an adjudicator. As needful was not done, notice dated 21.3.2022 was issued for appointment of an arbitrator.
5. Reply filed on behalf of the respondents is taken on record.
6. Learned counsel for the respondents submits that liberty be granted to raise all the issues before the arbitrator at the appropriate stage.
7. Learned counsel for the parties on instructions from clients

agree for appointment of Mr. Bal Krishan Mehta, District & Sessions Judge (Retd.) as sole arbitrator.

8. Accordingly, the petition is disposed of by appointing Mr. Bal Krishan Mehta, District & Sessions Judge (Retd.), H. No. 5601, Sector 38(W), Chandigarh as the sole arbitrator. The arbitrator is appointed 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.
9. Needless to say, the respondents would be at liberty to raise all the issues before the arbitrator at an appropriate stage.
10. The arbitrator shall be paid fee in accordance with the Fourth Schedule of the Act, as amended.
11. The arbitrator is requested to complete the proceedings as per time limit specified under Section 29A of the Act.
12. 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.
13. Copy of the order be sent to the appointed arbitrator.

1st May, 2023
mk

[AVNEESH JHINGAN]
JUDGE

1. Whether speaking/ reasoned

:

Yes / No
2. Whether reportable

:

Yes / No