

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

Arbitration Case No. 244 of 2022
Date of decision: 17th February, 2023

M/s P. P. Enterprises

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.
Mr. KDS Sidhu, Advocate for respondents No. 2 to 4.

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 for providing and laying inter-locking tiles. Clause 25 of the general terms and conditions provides for mechanism of pre-arbitration and for dispute resolution through arbitration.

There was a dispute between the parties.

The petitioner raised claim vide notice dated 21.6.2021. Thereafter, the petitioner served notice dated 16.9.2021 for appointment of arbitrator. The needful having not been done, the present petition was filed.

Reply filed on behalf of respondents No. 2 to 4 is taken on record.

Learned counsel for respondents submits that liberty be granted to raise the issue of limitation in the arbitration proceedings at the appropriate stage.

Learned counsel for the parties agree to the appointment of Mr. Justice Ram Chand Gupta, former Judge of this court as sole arbitrator.

Accordingly, the present petition is disposed of by appointing Mr. Justice Ram Chand Gupta, former Judge of this Court, # 215CP, Sector 4, MDC, Panchkula as sole arbitrator.

Needless to say that the respondents would be at liberty to raise the issue of limitation 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

17th February, 2023
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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |