

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

Arbitration Case No. 249 of 2022
Date of decision: 1st February, 2023

Ashok Kumar 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. Rajesh Mehta, Addl. AG, Punjab.

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 tender for Augmentation of W/S Scheme GURUSAR Block Kot Bhai, District Sri Muktsar Sahib. Clause 25.3 of the general terms and conditions provides for dispute resolution through arbitration.

There was a dispute between the parties.

The petitioner served notice dated 25.2.2022 for appointment of an arbitrator. On failure to do the needful, the present petition was filed.

Learned counsel for the parties agree for appointment of a retired Judge of this Court as an arbitrator.

Accordingly, the present petition is accordingly disposed of by appointing Mr. Justice Rajiv Narain Raina, H. No. E/8-03 (GF), DLF-The Valley (near Amravati Enclave), Pinjore-Kalka Urban Complex, Sector 3, Panchkula 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.

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.

1st February, 2023

mk

[AVNEESH JHINGAN]

JUDGE

1. Whether speaking/ reasoned

:

Yes / No
2. Whether reportable

:

Yes / No