

2023:PHHC:130668

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

ARB-244-2023 (O&M)
Date of Decision:-9.10.2023

M/s Delta Construction Company ... Petitioner

Versus

Union of India and others ... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Chetan Goyal, Advocate,
for the petitioner.

Mr. Shivoy Dhir, Senior Panel Counsel,
for the respondents.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking appointment of an Arbitrator in terms of provisions of Section 11 of Arbitration and Conciliation Act, 1996.
2. Notice of motion had been issued in the present case.
3. Mr. Shivoy Dhir, Senior Panel Counsel has put in appearance on behalf of the respondents.
4. The dispute arises out of supply order/contract dated 9.9.2020 (Annexure P-1) as per which the petitioner was to supply certain articles to the respondents. A dispute having arisen as regards payment, the petitioner served a legal notice

dated 1.2.2023 (Annexure P-2) upon the respondents for invocation of arbitration, but to no avail.

5. Condition No.3 of Part – III of Standard Conditions of Supply Order dated 9.9.2020 (Annexure P-1) provides for dispute resolution through ‘Arbitration’.
6. Nothing to the contrary could be shown by learned counsel representing the respondents.
7. Since the supply order/contract dated 9.9.2020 (Annexure P-1) specifically provides for resolution of disputes by way of arbitration and the petitioner had already served legal notice dated 1.2.2023 (Annexure P-2) upon the respondents so as to invoke arbitration clause, the instant petition is hereby accepted.
8. Accordingly, Sh. Mahendar Singh, Addl. District & Sessions Judge (Retd.) is appointed as the sole Arbitrator. However, such appointment would be subject to the declaration to be made by Sh. Mahendar Singh, Addl. District & Sessions Judge (Retd.) under Section 12 of the Act with regard to his independence and impartiality to settle the disputes between the parties.
9. The Arbitrator shall be paid fee in accordance with the Fourth Schedule of the Act, as amended or as may be mutually settled by the parties and the Arbitrator.
10. The Arbitrator may conduct proceedings at Arbitration Centre, Chandigarh or at any other place convenient to all concerned.
11. After seeking convenience of the Arbitrator, the parties are directed to appear before him on 9.11.2023 at 11:00 A.M. or any other date suitable to all concerned.

12. A copy of this order be sent to the appointed Arbitrator at the given address :

House No. GL-195, TDI Smart City, Sector 118,
Mohali-160055.
Phone Nos.94670-01234, 83988-73456.

13. The petition is accordingly disposed of in the above mentioned terms.

9.10.2023
pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No