

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

Arbitration Case No. 419 of 2021

Date of decision: 16th January, 2023

M/s S.P. Construction Company

Petitioner

Versus

The 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 construction of H. L. Bridge in District Ropar.

Disputes resolution mechanism has been provided in Clause 25 of the general conditions of contract.

There was dispute between the parties.

The petitioner gave notice dated 30.6.2021. On failure to do the needful, the present petition was filed.

Learned counsel for the respondents relies upon the pleadings in the reply and submits that as per the respondents the accounts have been settled. He seeks liberty to raise the issue of limitation before the arbitrator.

Prima facie, there is dispute between the parties.

Learned counsel for the parties on instructions agree that Mr. Budh Ram Garg, Addl. District & Sessions Judge (Retd.) be appointed as arbitrator.

The petition is accordingly disposed of by appointing Mr. Budh Ram Garg, Addl. District and Sessions Judge (Retd.), H. No. 521, PCS/IAS Society, New Chandigarh 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.

[AVNEESH JHINGAN]
JUDGE

16th January, 2023
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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |