

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

Arbitration Case No. 433 of 2021

Date of decision: 17th March, 2023

The Bhagwati Co-op. Labour & Const. Society Ltd.

Petitioner

Versus

State of Punjab and others

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. P. S. Rana, Advocate for the petitioner.
Mr. Charanpreet Singh, AAG, 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 work for construction of cement concrete road in Sanjay Gandhi Nagar Jalandhar. Clause 25 of the general terms and conditions provides for pre-arbitral settlement mechanism and for dispute resolution through arbitration.

The petitioner raised claim vide notice dated 14.11.2020. Thereafter, it served notice under Section 21 of the Act on 4.1.2021. The needful having not been done, the present petition was filed.

Learned counsel for the parties agree to the appointment of Mr. Roshan Lal Ahuja, Addl. District & Sessions Judge (Retd.), as sole arbitrator.

Accordingly, the present petition is accordingly disposed of by appointing Mr. Roshan Lal Ahuja, Additional District & Sessions Judge (Retd.), 4-A, Palam Vihar (V. Dad), Pakhowal Road, Ludhiana 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.

17th March, 2023

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[AVNEESH JHINGAN]
JUDGE

1. Whether speaking/ reasoned

:

Yes / No
2. Whether reportable

:

Yes / No