

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

**Arbitration Case No. 268 of 2022 (O&M)
Date of decision: 6th February, 2023**

Dubeshwar Pandit

Petitioner

Versus

Municipal Corporation Gurugram and another

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Gaurav Arora, Advocate for the petitioner.
Mr. Prateek Mahajan, Advocate for the respondents.

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 of construction of Balmiki Chaupal village Nathupur, Ward No. 35, Gurugram. Clause 25A of the general terms and conditions provides for pre-arbitral settlement mechanism and for dispute resolution through arbitration.

The dispute arose between the parties.

The petitioner raised a claim vide notice dated 28.1.2022. Thereafter, notice under Section 21 of the Act was issued on 21.5.2022. The needful having not been done, the present petition was filed.

Prima facie there is dispute between the parties. Clause of the arbitration is also not disputed.

Learned counsel for the parties agree to the appointment of Mr. S. K. Kaushik, District & Sessions Judge (Retd.).

Accordingly, the present petition is accordingly disposed of by appointing Mr. S. K. Kaushik, District & Sessions Judge (Retd.), H. No.

1118, Sector 46, Gurugram 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.

[AVNEESH JHINGAN]
JUDGE

6th February, 2023
mk

- | | | |
|-------------------------------|---|----------|
| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |