

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

**Arbitration Case No. 456 of 2021
Date of decision: 16th January, 2023**

M/s JMD Construction

Petitioner

Versus

Baddi University of Emerging Sciences and Technology

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Sarthak Gupta, Advocate for the petitioner.
Mr. Parveen Mehta, Advocate for the respondent.

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 workshop building.

Clause 11 of the general conditions of contract provides for dispute resolution mechanism through arbitration.

There was dispute between the parties.

The petitioner gave notice dated 18.4.2021. On failure to do the needful, the present petition was filed.

As per the reply filed by the respondent, entire payment has been made and nothing is due.

Learned counsel for the parties agree that as per clause 13 of the terms and conditions, arbitrator at Panchkula be appointed.

The petition is accordingly disposed of by appointing Mr. S.P.Singh, District & Sessions Judge (Retd.), H. No. 151, Tribune

Mitra Vihar, Sector 29, Panchkula 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 |