

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

**Arbitration Case No. 298 of 2022
Date of decision: 13th April, 2023**

Ashutosh Chaudhary

Petitioner

Versus

Hartek Power Private Ltd.

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Dinesh Arora, Advocate for the petitioner.
Mr. Ankit Chaudhary, 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 the employee of the respondent-company. Clause 16 of the letter of appointment provided for dispute resolution through arbitration. As per clause 18, the venue of the arbitration shall be at Chandigarh.

There was a dispute between the parties.

The petitioner served notice dated 6.5.2022 invoking arbitration clause. On failure to do the needful, the present petition has been filed.

Learned counsel for the respondents submits that liberty be granted to raise all the issues in arbitration proceedings at the appropriate stage.

Since there is dispute between the parties, the present petition

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

Needless to say the respondent shall be at liberty to raise all the issues in arbitration proceedings at appropriate stage.

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

13th April, 2023
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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |