

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

Arbitration Case No. 482 of 2021(O&M)

Date of decision: 24th February, 2023

M/s Kulwinder Singh and Company

Petitioner

Versus

The Executive Engineer, Central Works, Division No.2 and another

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Lajpat Sharma, 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 brief facts are that the petitioner was allotted tender for construction of entry gate on GT Road, Amritsar. Clause 25 of the general terms and conditions of provided for pre-arbitration mechanism and for dispute resolution through arbitration.

There was a dispute between the parties.

The petitioner availed pre-arbitration mechanism vide notice dated 9.2.2021. Thereafter, notice under Section 21 of the Act was issued on 16.6.2021. The needful having not been done, the present petition was filed.

Learned counsel for the parties agree to the appointment of Mr. Justice Virender Singh, former Chief Justice as sole arbitrator.

Accordingly, the present petition is disposed of by appointing Mr. Justice Virender Singh, former Chief Justice, Kothi No. 233, Sector 11A, Chandigarh as 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.

Needless to say that the respondent would be at liberty to raise the issue of limitation before the arbitrator.

The clause in the terms and conditions and Fourth Schedule of the Act shall govern the fee of the arbitrator. 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.

24th February, 2023

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[AVNEESH JHINGAN]

JUDGE

1. Whether speaking/ reasoned

:

Yes / No
2. Whether reportable

:

Yes / No