

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

Arbitration Case No. 309 of 2022 (O&M)

Date of decision: 20.1.2023.

M/s Rana Builders

Petitioner

Versus

State of Punjab and others

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Aakash Singla, Advocate for the petitioner.
Mr. Rajesh Mehta, Addl. AG, 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 H/L Bridge over Ghaggar river in Patiala. Clause 25 of the general terms and conditions provides for pre-arbitral mechanism and dispute resolution through arbitration.

There was a dispute between the parties.

The petitioner raised a claim, gave notice under Section 21 of the Act, on failure to do the needful, the present petition was filed.

Reply filed on behalf of the respondent is taken on record.

Learned counsel for the respondent opposes the prayer for appointment of an arbitrator. He submits that the petitioner had not complied with the condition of pre-arbitral settlement. The contention is that the amount claimed is beyond the terms and conditions of contract.

Learned counsel for the petitioner submits that the petitioner had made an attempt for pre-arbitration settlement vide letters Annexed as

P8 and P9.

The petition is accordingly disposed of by appointing Mr. M. P. S. Pahwa, Addl. District & Sessions Judge (Retd.), House No. 35-36, Capt. Karam Singh Nagar, Sangrur 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.

20th January, 2023.

mk

[AVNEESH JHINGAN]

JUDGE

1. Whether speaking/ reasoned

:

Yes / No
2. Whether reportable

:

Yes / No