

Arbitration Case No. 330 of 2022

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

Arbitration Case No. 330 of 2022 (O&M)

Date of decision: 27th January, 2023

Shiv Probuild Pvt. Ltd.

Petitioner

Versus

Chief Executive Officer and others

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Ashutosh, Advocate for the petitioner.
Mr. Rohit Dheer, 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 tender for road construction. Clause 25(A) of the general terms and conditions provides for dispute resolution through arbitration.

There was a dispute between the parties.

The petitioner served notice dated 25.4.2022 for appointment of an arbitrator. On failure to do the needful, the present petition was filed.

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

Learned counsel for the respondents on instructions submits that they have appointed serving Superintending Engineer of the department as arbitrator.

Learned counsel for the petitioner opposes the appointment of arbitrator and submits that appointment made by the respondents is not in accordance with the provisions of Section 12(5) of the Act.

Learned counsel for the parties are not raising any substantial

objection to the appointment of a retired District/Addl. District & Sessions Judge at Gurugram as arbitrator.

Accordingly, the present petition is accordingly disposed of by appointing Mr. Arun Kumar Singal, District & Sessions Judge (Retd.), # C/o Mr. M.R. Singhal, A-61, Second Floor, Pallandians near Baani Square, Sector 47, 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**

27th January, 2023
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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |