

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

Arbitration Case No. 225 of 2019 (O&M)
Date of decision: 16th February, 2023

M/s Hemkunt Builders

Petitioner

Versus

Chief Engineer Border Fencing Zone CPWD & another

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Dheeraj Mahajan, Advocate for the petitioner.
Ms. Puneeta Sethi, 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 work for re-erection, maintenance, dismantling watch and ward of Pontoon Bridge on River Ravi near BOP Kakkar FWD at Gate No. 91, Amritsar. Clause 25 of the general terms and conditions provides for mechanism of pre-arbitration and for dispute resolution through arbitration.

There was a dispute between the parties.

The petitioner availed pre-arbitration mechanism and the remedy of appeal. Thereafter, he served notice dated 9.7.2019 for appointment of arbitrator. The needful having not been done, the present petition was filed.

Learned counsel for the respondents seeks liberty to raise the issue of limitation before the arbitrator.

Learned counsel for the parties agree to the appointment of Mr. Dinesh Kumar, Advocate.

Accordingly, the present petition is disposed of by appointing Mr. Dinesh Kumar, Advocate, H. No. 533, Pocket-E, Mayur Vihar, Phase-II, New Delhi as sole arbitrator.

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

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

16th February, 2023
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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |