

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

Arbitration Case No. 232 of 2019

Date of decision: 20.1.2023.

M/s A. K. Mehta and company

Petitioner

Versus

Panchayati Raj through Executive Engineer, Public Works Division,
Rohtak

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Neeraj Khanna, Advocate for the petitioner.
Mr. Sharad Aggarwal, AAG, Haryana.

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 constructing EWS flats at Rohtak. Clause 33 of the general terms and conditions provides for dispute resolution through arbitration. Sub-clause (8) thereof provides that venue of arbitration shall be fixed by the arbitrator.

Learned counsel for the respondent submits that there is a pre-arbitral clause which the petitioner has not complied with.

Learned counsel for the petitioner submits that Executive Engineer was approached, reliance is placed upon notice dated 20.4.2018. (Annexure P6). It is contended that the petitioner served notice dated 04.6.2018 for appointment of arbitrator, as needful was not done, the present petition was filed.

The petition is accordingly disposed of by appointing Mr. Justice S. N. Aggarwal, former Judge of this court, H. No. 1458, Sector

40-B, Chandigarh 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.

[AVNEESH JHINGAN]
JUDGE

20th January, 2023.
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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |