

IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

Arbitration Case No. 226 of 2019

Date of decision: 11<sup>th</sup> January, 2023

M/s Mahavir Rice and General Mills

Petitioner

Versus

The Punjab State Civil Supply Corporation Ltd., Chandigarh and another

Respondents

**CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN**

Present: Mr. A. K. Sharma, Advocate for the petitioner.  
Mr. T. S. Sidhu Advocate for respondents No. 1 and 2.

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**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 awarded custom milling contract for the crop year 2014-15. Clause 30 of the agreement dated 15.10.2014 stipulates that the claim/dispute between the parties shall be made in writing within one year of the date of completion or expiry of the period of contract.

The petitioner served notice dated 15.2.2018 for appointment of the arbitrator.

The respondent responded to the notice vide reply dated 15.2.2018. As per the reply, there is amount due from the petitioner.

Learned counsel for the respondents submits that the claim is time barred as it was not filed within one year.

Learned counsel for the petitioner submits that copy of the contract was not supplied to the petitioner and it was only through Right to Information Act, 2005 that he received copy of the agreement dated

1.11.2018.

Considering that there is dispute between the parties and the issue with regard to time-barred claim can be decided by the arbitrator in arbitration proceedings, the petition is accordingly disposed of by appointing Mr. S. K. Sachdeva, Addl. District & Sessions Judge (Retd.), # 375, PCS/IAS Society, New Chandigarh (Mullanpur) 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**

**11<sup>th</sup> January, 2023**  
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|-------------------------------|---|----------|
| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable         | : | Yes / No |