

**238 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

ARB-259-2019

Date of Decision: 27th February, 2023

M/s. Daljit Singh and Bros

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr.B.S. Jaswal, Advocate for the petitioner.

Mr. Charanpreet Singh, Assistant Advocate General, Punjab.

AVNEESH JHINGAN , J.(Oral)

1. This application under Section 11 of the Arbitration and Conciliation Act, 1996 has been filed for appointment of an arbitrator.
2. The petitioner in the year 1996 was allotted a tender for work of strengthening the pavement in Kms 110.33 to 117.50 of NH 1-A valuing Rs. 163.26 lakhs vide agreement No. 1-FE of 1996-97. The work was completed in 1996-97.
3. The dispute between the parties was referred to an arbitrator appointed by the Department. The arbitrator vide order dated 25.3.2015 closed the arbitration proceedings. It was taken into consideration that after submission of final bill, the amount was released in December, 2019. The application for arbitration was filed in June, 2004. Clause 25 of the agreement was relied upon that claim shall be filed within 180 days of payment of final bill. Further, that the contractor failed to produce the documentary evidence in spite of availing numerous opportunities that an application for appointment of arbitrator was made within 180 days.

4. Learned counsel for the appellant after arguing for some time realizing that order dated 25.3.2015 was not challenged, seeks permission to withdraw the present application with liberty to avail remedies in accordance with law.
5. Dismissed as withdrawn with liberty as prayed for.
6. Since the main case has been withdrawn, the pending application(s), if any is rendered infructuous.

(AVNEESH JHINGAN)
JUDGE

27th February, 2023
anuradha

Whether reasoned/speaking	Yes/No
Whether reportable	Yes/No