IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Date of decision: 17th February, 2023

(1) Arbitration Case No. 363 of 2021

Rajeev Kumar Goel

Petitioner

Versus

Haryana Urban Development Authority & others

Respondents

(2) Arbitration Case No. 364 of 2021

Rajeev Kumar Goel

Petitioner

Versus

Haryana Urban Development Authority & others

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Naveen Kumar, Advocate for the petitioner(s).
Mr. Deepak Balyan, Advocate for the respondents.

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AVNEESH JHINGAN, J (Oral):

This order shall dispose of above-mentioned two petitions, as the parties are common and similar relief is sought.

For the sake of convenience, facts are being taken from Arbitration Case No. 363 of 2021.

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 providing external water supply scheme. Clause 25-A of the general terms and conditions provides

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for pre-arbitration mechanism and dispute resolution through arbitration.

The petitioner raised the claim vide notice dated 20.4.2020. Thereafter, notice under Section 21 of the Act was issued on 9.9.2020. The needful having not been done, the present petition was filed.

Learned counsel for the parties agree that as the matter between the same parties was earlier referred to Mr. B. R. Gupta, Additional District & Sessions Judge (Retd.), the said arbitrator be appointed in these petitions.

Accordingly, the present petitions are disposed of by appointing Mr. B. R. Gupta, Additional District & Sessions Judge (Retd.), C/o Mr. N. D. Gupta, # 260, Model Town, Hisar 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 cases have been disposed of, pending applications, if any, stand disposed of.

Copy of the order be sent to the appointed arbitrator.

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Photocopy of the order be placed on the file of connected case.

[AVNEESH JHINGAN]
JUDGE

17th February, 2023
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1. Whether speaking/ reasoned : Yes / No
2. Whether reportable : Yes / No

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