

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

Arbitration Case No. 541 of 2021

Date of decision: 12th January, 2023

Raj Kumar contractor

Petitioner

Versus

State of Haryana and others

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Naveen Kumar, 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 entered an agreement with the respondent for construction of inlet channel and other allied works.

It is not disputed between the parties that as per Clause 25 of the agreement entered between the parties, there is mechanism for dispute resolution.

The petitioner gave notice dated 8.10.2021. On failure to do the needful, the present petition was filed.

Learned counsel for the respondents submits that arbitrator with seat at Hisar be appointed.

Accordingly, the present petition is 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 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

12th January, 2023
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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |