

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

Arbitration Case No. 262 of 2020

Date of decision: 23rd February, 2023

Creative Builders

Petitioner

Versus

State of Punjab and others

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Amit Kumar Gupta, Advocate for the petitioner.
Mr. Charanpreet Singh, AAG, Punjab.

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 brief facts are that the petitioner was allotted work for construction of cement concrete flooring in Dhanies/streets/phirni at village Kolianwali, Block Malout, District Sri Muktsar Sahib. Clause 25 of the general terms and conditions provided for dispute resolution through arbitration.

There was a dispute between the parties.

The petitioner served notice dated 22.11.2018 for appointment of the arbitrator. The needful having not been done, the present petition was filed.

Learned counsel for the respondents seeks liberty to raise the issue of limitation before the arbitrator.

Learned counsel for the parties agree to the appointment of Mr. Justice R. P. Nagrath, former Judge of this court as sole arbitrator.

Accordingly, the present petition is disposed of by appointing

Mr. Justice R. P. Nagrath, former Judge of this Court, H. No. 162, Sector 123 New Sunny Enclave, Kharar, Mohali as 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.

Needless to say that the respondent would be at liberty to raise the issues before the arbitrator.

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 case has been disposed of, pending applications, if any, stand disposed of.

Copy of the order be sent to the appointed arbitrator.

[AVNEESH JHINGAN]
JUDGE

23rd February, 2023
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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |