

2023:PHHC:056231
Arbitration Case No. 556 of 2021 and connected matters [1]

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

Date of decision: 21st April, 2023

(1) Arbitration Case No. 556 of 2021

The Dhariwal Cooperative Labour and Construction Society Ltd.

Petitioner

Versus

Punjab Small Industries and Exports Corporation Ltd. and others

Respondents

(2) Arbitration Case No. 557 of 2021

The Dhariwal Cooperative Labour and Construction Society Ltd.

Petitioner

Versus

Punjab Small Industries and Exports Corporation Ltd. and others

Respondents

(3) Arbitration Case No. 558 of 2021

The Dhariwal Cooperative Labour and Construction Society Ltd.

Petitioner

Versus

Punjab Small Industries and Exports Corporation Ltd. and others

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Dheeraj Mahajan, Advocate for the petitioner(s).
Mr. Vikas Chatrath, Advocate for the respondents

AVNEESH JHINGAN, J (Oral):

1. This order shall dispose of the above mentioned three petitions as the issues involved therein are similar.
2. However, the facts are being taken from Arbitration Case No. 556 of 2021.
3. 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.
4. The petitioner was allotted work for providing and laying earth filling in NIIFT Building, Complex, Jalandhar. Clause 25 of the general terms and conditions of agreement provides for dispute settlement for arbitration.
5. There was a dispute between the parties.
6. The petitioner served notice dated 30.6.2021 for invoking arbitration. On failure to do the needful, the present petition was filed.
7. Learned counsel for the parties agree to the appointment of Mr. Pradeep Virk, Advocate as sole arbitrator.
8. Accordingly, the petition is disposed of by appointing Mr. Pradeep Virk, Advocate, H. No. 1068, Sector 27-B, Chandigarh as the sole arbitrator. The arbitrator is appointed 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.
9. The arbitrator shall be paid fee in accordance with the Fourth Schedule of the Act, as amended.
10. The arbitrator is requested to complete the proceedings as per time limit specified under Section 29A of the Act.
9. 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.
11. It is further clarified that passing of the aforesaid order shall

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not be an impediment if the better sense prevails between the parties and they try to settle the matter amicably.

- 12. Copy of the order be sent to the appointed arbitrator.
- 13. Photo copy of the order be placed on the file of each connected petition.

[AVNEESH JHINGAN]
JUDGE

21st April, 2023
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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |