

Arbitration Case No. 401 of 2022

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

Arbitration Case No. 401 of 2022 (O&M)

Date of decision: 2nd February, 2023

M/s Parmod Kumar Contractor

Petitioner

Versus

State of Haryana and others

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Neeraj Goel, 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 was allotted work for providing functional household tap connection in village Baholi and all other works contingent thereto. Clause 25 of the general terms and conditions provides for pre-arbitral settlement mechanism and for dispute resolution through arbitration.

The petitioner raised a claim vide notice dated 16.6.2020. Thereafter, notice under Section 21 of the Act was issued on 6.9.2022. The needful having not been done, the present petition was filed.

From the contention of learned counsel for the respondents, it is evident that *prima facie* there is dispute between the parties. Clause of the arbitration is also not disputed.

Learned counsel for the parties agree to the appointment of Mr. J.R. Chauhan, District & Sessions Judge (Retd.)

Accordingly, the present petition is accordingly disposed of

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by appointing Mr. J. R. Chauhan, D&SJ (Retd.), H. No. 2151, Sector 13-17, Panipat 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 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

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