

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

Arbitration Case No. 407 of 2022

Date of decision: 20.1.2023.

M/s Kohli Builders

Petitioner

Versus

Punjab Water Supply & Sanitation Deptt. and others

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: None for the petitioner.
Rajesh Mehta, Addl. AG, 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 petitioner was allotted work for providing laying, joining, testing SW/RCC Pipe Sewer, Excavation and refilling of manhole chamber. Clause 25 of the general terms and conditions provides for pre-arbitral settlement of the dispute and for dispute resolution through arbitration.

There was a dispute between the parties.

The petitioner gave notice dated 08.12.2020. Having received no response, notice dated 18.3.2022 was given for appointment of arbitrator. On failure to do the needful, the present petition was filed.

Learned counsel for the respondent submits that entire payment has been made to the petitioner.

As there is dispute between the parties, the present petition is accordingly disposed of by appointing Mr. Roshan Lal Ahuja, Additional District & Sessions Judge (Retd.), 4-A, Palam Vihar (V. Dad), Pakhowal

Road, Ludhiana 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.

Needless to say that the respondent would be at liberty to raise the aforesaid pleas before the arbitrator at an appropriate stage.

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.

20th January, 2023.

mk

[AVNEESH JHINGAN]

JUDGE

1. Whether speaking/ reasoned

:

Yes / No
2. Whether reportable

:

Yes / No