

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

Arbitration Case No. 283 of 2019

Date of decision: 20.1.2023.

Leotronic Scales Pvt. Ltd.

Petitioner

Versus

Punjab State Agricultural Marketing Board

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Harjaap Singh Arora, Advocate for the petitioner.
Mr. Maninder Preet Singh, Advocate for the respondent.

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 tender for installation of weigh bridges. Clause 3 of the general terms and conditions provides for appointment of Secretary, Punjab State Agricultural Marketing Board (for short, 'the Board') as arbitrator.

There was a dispute between the parties.

The petitioner served notice dated 11.4.2019 for appointment of arbitrator.

The respondent appointed Secretary of the Board as arbitrator.

Learned counsel for the parties are *ad idem* that in view of amendment of Section 12(5) of the Act, sole arbitrator has to be appointed.

The petition is accordingly disposed of by appointing Mr. B. S. Mehendiratta, District & Sessions Judge (Retd.), H. No. 2509, Extension 6, near Kidzee School, Old Sunny Enclave, Kharar, SAS Nagar

Mohali 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

20th January, 2023.
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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |