

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

**Arbitration Case No. 30 of 2022
Date of decision: 13th April, 2023**

Gurbax Singh Govt. contractor

Petitioner

Versus

State of Punjab and others

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. S. B. Gautam, 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 petitioner was allotted work for constructing 50 KLD capacity sewerage treatment plant etc. Tender was allotted to the petitioner for constructing Road over Bridge. Clause 25-A of the general conditions of contract provided for pre-arbitration mechanism and dispute resolution through arbitration.

The petitioner raised claim vide notice dated 7.9.2021. Thereafter, he served notice dated 11.11.2021 invoking arbitration clause. On failure to do the needful, the present petition has been filed.

Learned counsel for the respondents submits that according to the respondents no amount is due.

Since there is dispute between the parties, the present petition is disposed of by appointing Mr. Justice Rajiv Sharma, former Judge of this court, H. No. 505 (Backside First Floor), Sector 36-B, Chandigarh 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

13th April, 2023
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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |