

2023:PHHC:162852

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

ARB-434-2022 (O&M)
Date of Decision:-19.12.2023

RITES Limited

... Petitioner

Versus

Department of Tourism, Government of Jharkhand & another ... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Ms. Sandhya Gaur, Advocate for the petitioner.

None for the respondents.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking appointment of an Arbitrator in terms of provisions of Section 11(6) of Arbitration and Conciliation Act, 1996 as amended by the Arbitration and Conciliation Act.
2. It is the case of the petitioner that the proposal dated 8.9.2015 (Annexure P-2) as regards providing consultancy services by the petitioner to respondent No.1 was accepted by respondent No.1 vide acceptance letter dated 31.12.2015 (Annexure P-3) and pursuant to which the petitioner had been providing consultancy services for execution of construction of 'hanging bridge' over 'Bharaivi River'. It is further the case of the petitioner that the agreement specifically provided for resolution of disputes by way of

arbitration and that a dispute having arisen, the petitioner raised demand for payment of the dues but to no avail and subsequently issued notice dated 15.2.2022 (Annexure P-28) invoking arbitration followed by another notice dated 20.5.2022, but to no avail.

3. Notice of motion had been issued to the respondent, but the respondents have not chosen to appear despite service and consequently the respondents were proceeded against *ex parte* vide order dated 13.10.2023.
4. Having regard to the aforesaid submission and the specific provisions for resolving of disputes by way of arbitration as provided in the proposal dated 8.9.2015 (Annexure P-2), the petition merits acceptance and is hereby accepted.
5. Accordingly, Mr. Vinod Jain, District and Sessions Judge (Retd.) Haryana, is appointed as the sole Arbitrator. However, such appointment would be subject to the declaration to be made by Mr. Vinod Jain, District and Sessions Judge (Retd.) Haryana under Section 12 of the Act with regard to his independence and impartiality to settle the disputes between the parties.
6. The Arbitrator shall be paid fee in accordance with the Fourth Schedule of the Act, as amended or as may be mutually settled by the parties and the Arbitrator.
7. The Arbitrator shall conduct proceedings at Gurgaon or at any other place convenient to all concerned.
8. After seeking convenience of the Arbitrator, the parties are directed to appear before him on 23.1.2024 at 11:00 A.M. or any other date suitable to all concerned.
9. A copy of this order be sent to the appointed Arbitrator at the given address :

House No.381,Sector 1
IMT, Manesar,
Gurgaon, Haryana.
Phone No. 9468178585

10. The petition is accordingly disposed of in the above mentioned terms.

19.12.2023
pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No