

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

Arbitration Case No. 436 of 2022

Date of decision: 25th January, 2023

S. B. Gupta contractor

Petitioner

Versus

Engineer-in-Chief Haryana PWD B&R and others

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Dinesh Arora, 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 tender for construction of work to be undertaken at PGI, Rohtak. Clause 24 of the general terms and conditions provides for pre-arbitral settlement mechanism and for dispute resolution through arbitration.

It is not disputed by learned counsel for the respondents that the petitioner had approached for pre-arbitral settlement vide notice dated 4.5.2021 which was duly responded vide reply dated 2.6.2021. Thereafter notice dated 10.2.2022 under Section 21 of the Act was given. On failure to do the needful, the present petition was filed.

Learned counsel for the parties agree to the appointment of Mr. D. S. Sheoran, District & Sessions Judge (Retd.).

Accordingly, the present petition is accordingly disposed of by appointing Mr. D. S. Sheoran, District & Sessions Judge (Retd.), H. No. 98, Adarsh Nagar, Bhiwani 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

25th January, 2023
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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |