

Arbitration Case No. 315 of 2019

[1]

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

Arbitration Case No. 315 of 2019 (O&M)

Date of decision: 21st February, 2023

ANS Construction Pvt. Ltd.

Petitioner

Versus

M/s Northern Railway through its Chief Engineer & others

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Nikhil Handu, Advocate for the petitioner.
Mr. Brijeshwar Singh, Advocate for the respondents.

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 brief facts are that the petitioner was allotted work for construction of houses for Northern Railways. Clause 64 of the general terms and conditions provided for dispute resolution through arbitration.

Learned counsel for the parties are *ad idem* that one of the claim has already been referred to sole arbitrator-Ms. Puneeta Sethi, Advocate. It is further not disputed that necessity to file the present petition arose as there was an objection by the respondents that the arbitrator of her own could not have entertained the same.

Considering that the claims now sought for would be inter-related to earlier claim, the present petition is accordingly disposed of by appointing Ms. Puneeta Sethi, Advocate, H. No. 843, Sector 16-D, Chandigarh as sole arbitrator.

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.

21st February, 2023

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[AVNEESH JHINGAN]
JUDGE

1. Whether speaking/ reasoned

:

Yes / No
2. Whether reportable

:

Yes / No