

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

**Arbitration Case No. 468 of 2022
Date of decision: 30th January, 2023**

Ramesh Kumar contractor

Petitioner

Versus

Punjab Water Supply & Sanitation Department & others

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. J. S. Rana, Advocate for the petitioner.
Mr. Rajesh Mehta, Addl. AG, 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 augmentation of water supply Nari Chohal, Mandlala, Ram Nagar urf Dhahar in Block Hoshiarpur-II, District Hoshiarpur. Clause 25 of the general terms and conditions provides for dispute resolution through arbitration.

The petitioner raised claim vide notice dated 27.5.2022. Thereafter, notice under Section 21 of the Act was issued on 6.9.2022. The needful having not been done, the present petition was filed.

Learned counsel for the respondents opposes the prayer and submits that 5% work was done, rest of the work had not started as land could not be acquired. He seeks liberty to raise the issues in arbitration proceedings.

Learned counsel for the parties agree that Mr. Ashok Paul Batra, Addl. District & Sessions Judge (Retd.) be appointed as an arbitrator.

Accordingly, the present petition is accordingly disposed of by appointing Mr. Ashok Paul Batra, Addl. Distt. & Sessions Judge (Retd.), 171/172, Orbit Appartments, VIP Road, near Metro Mart, Zirakpur 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.

Needless to say that the respondents would be at liberty to raise the pleas as raised for opposing the petition before the arbitrator at an appropriate stage.

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

30th January, 2023
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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |