

256 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH
ARB-485-2022

Date of Decision: 27th February, 2023

M/s Garg and Company

... Petitioner

Versus

State of Haryana

... Respondent

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr. I.S. Pabla, Advocate for the petitioner.
Mr. Samarth Sagar, Addl. A.G., Haryana.

AVNEESH JHINGAN , J.(Oral)

1. This is a petition under Section 11 of the Arbitration and Conciliation Act, 1996 seeking appointment of an Arbitrator.

2. Learned counsel for the parties are ad idem that issue involved in the present case is similar to that involved in ARB-26-2023, which was disposed of by passing the following order:-

“This is a petition under Section 11 of the Arbitration and Conciliation Act, 1996 seeking appointment of an Arbitrator.

Learned counsel for the petitioner after arguing for sometime fairly submits that there was inter-se dispute between the parties and in CWP No. 1902 of 2022 and following order was passed on 3.3.2022:

"When confronted with a fact that an arbitration clause is required to be invoked for resolution of all the disputes, including termination of the contract and forfeiture of security, learned senior counsel for the petitioner submits that as the impugned order has been passed by the Appellate Authority itself, the respondent-authorities have conceded and agreed to the request of the petitioner to refer the matter to the sole arbitrator Dr. Justice Bharat Bhushan Parsoon, a former Judge of this Court.

Learned Additional Advocate General, appearing for the respondent-State of Haryana, submits that though there is a provision of filing an appeal, but on instructions from Mr. Anurag Rastogi, IAS, Additional Chief Secretary (PWD), Haryana, he submits that the parties have agreed to refer the matter to the sole independent Arbitrator, Dr. Justice Bharat Bhushan Parsoon, a former Judge of this Court.

Learned senior counsel for the petitioner submits that in view of the agreement arrived at between the parties and the consent given by the respondent-State of Haryana for appointment of sole independent arbitrator, he wishes to withdraw the petition with liberty to initiate arbitration proceedings before the sole arbitrator Dr. Justice Bharat Bhushan Parsoon, a former Judge of this Court. In view of the

statements made by learned counsel for both the parties, the petition stands disposed of.”

Learned counsel for the petitioner further submits that the matter could not be resolved and the respondents were not approached for appointment of an Arbitrator in view of order of this Court.

This petition is disposed of at this stage with liberty to petitioner to approach the respondents pointing out that the dispute survives and an Arbitrator needs to be appointed.

There is no doubt that in the eventuality of petitioner's approaching the respondents concerned, the needful in accordance with law would be done expeditiously.

Since the main case has been disposed of, pending application, if any is rendered infructuous.”

3. The present petition is disposed of in the same terms as in ARB-26-2023.

4. Since the main petition is disposed of, pending application, if any is rendered infructuous.

(AVNEESH JHINGAN)
JUDGE

27th February, 2023
Parveen Sharma

Whether reasoned/speaking	Yes/No
Whether reportable	Yes/No