

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

Arb Case No. 288 of 2018 (O&M)

DECIDED ON: 15th February, 2023

Sandeep Kumar

.....PETITIONER

VERSUS

The Executive Engineer and another

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. Dheeraj Mahajan, Advocate for petitioner.

Mr. Charanpreet Singh, AAG 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 of Construction of New Link Roads in Block Patti, Valtoha and Naushera Pannuan under RIDF-V(i) in District Tarn Taran, Group NO. VIII. Clause 25 of the general terms and conditions provides for mechanism of pre-arbitration and for dispute resolution through arbitration.

There was a dispute between the parties.

The respondent claimed a pre-arbitration resolution which was rejected on 3.3.2015. The petitioner issued notice dated 16.7.2018. The needful having not been done, the present petition was filed.

Learned counsel for the respondent seeks liberty to raise the issue of limitation before the arbitrator.

Learned counsel for the parties agree to the appointment of

Mr. Ashok Paul Batra, Additional District Judge (Retd.).

Accordingly, the present petition is disposed of by appointing Mr. Ashok Paul Batra, Additional District Judge (Retd.), R/o 171/172 Orbit Apartments VIP Road, Near Metro Mart Zirakpur, as the 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.

15th February, 2023

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(AVNEESH JHINGAN)
JUDGE

Whether speaking/reasoned *Yes*

Whether reportable *No*