

ARB-5-2021(O&M) -1-

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH
(267)

ARB-5-2021 (O&M)
Date of decision:- 24.01.2024

M/s Mittal Construction Co. ... Petitioner

Versus

State of Punjab and others ... Respondents

ARB-13-2021 (O&M)

M/s Prem Chand Goyal ... Petitioner

Versus

State of Punjab and others ... Respondents

ARB-219-2021 (O&M)

M/s Hardev Singh & Co. ... Petitioner

Versus

State of Punjab and others ... Respondents

ARB-9-2021 (O&M)

M/s Prem Chand Goyal ... Petitioner

Versus

State of Punjab and others ... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Arun Bansal, Advocate and
Mr. Anubhav Bansal, Advocate
for the petitioner(s).

Mr. Vikas Arora, AAG, Punjab.

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SUVIR SEHGAL, J. (ORAL)

1. This order shall dispose of **ARB-5-2021** titled as “**M/s Mittal Construction Co. Versus State of Punjab and others**”, **ARB-13-2021** titled as “**M/s Prem Chand Goyal Versus State of Punjab and others**”, **ARB-219-2021** titled as “**M/s Hardev Singh & Co. Versus State of Punjab and others**” and **ARB-9-2021** titled as “**M/s Prem Chand Goyal Versus State of Punjab and others**”.

2. For the sake of convenience, factual position is being noticed from ARB-5-2021.

3. Petitioner has inter-alia approached this Court for clarification of Clause 4(f) laid down in the agreement conditions, Annexure P-1.

4. Counsel for the petitioner has invited the attention of the Court to order dated 09.11.2021 passed by this Court, which is reproduced as under:-

“Though matters were being taken up through physical hearing mode today, this matter has been taken up through video conferencing on specific request of learned counsel and in terms of circular dated 14.09.2021.

The respondent-State itself had appointed a sole Arbitrator for which the petitioner, it is stated, has no objection. However, the Arbitrator vide order dated 22.12.2020 has directed the petitioner-claimant to obtain an order of the Court for appointment of a sole Arbitrator for the contract having value of more than Rs.50,00,000/- in view of clause 25.3(f) of the Agreement.

Though in such a situation there can possibly be little scope of any objection as the sole Arbitrator has been appointed by the respondents itself, learned counsel for the respondent-State to file a specific affidavit of the competent

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*authority in this respect. Needful be done within one week.
List on 17.11.2021.
Photocopy of this order be placed on files of the
connected cases mentioned above.”*

5. Pursuant to the above order, an affidavit dated 23.01.2024 has been filed by the Executive Engineer, Water Supply and Sanitation Department, Division No.1, Sri Muktsar Sahib, relevant extract of which reads as under:-

*“1. That the present Affidavit is being filed in compliance with an Order dated 19.8.2021 passed by this Hon’ble Court by virtue of which a direction has been issued to file affidavit to the effect that the Respondents have no objection if matter is continued before the Sole Arbitrator even if the value of the contract is above Rs. 50 Lacs.
2. That in this respect it is most respectfully submitted that the answering respondents have no objection if matter is continued before the Sole Arbitrator.”*

6. The position has been clarified in the above reproduced affidavit and the respondents do not have any objection, in case, the already appointed sole Arbitrator adjudicates the dispute between the parties.

7. In view of the above, all the four petitions are disposed of.

8. Pending applications, if any, also stands disposed of.

(SUVIR SEHGAL)
JUDGE

24.01.2024
Kamal

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No