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

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Decided on 06.11.2024

S.B. Gupta Contractor**...Applicant****Versus****State of Haryana and others****...Respondents****CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL**

Present: - Mr. Akshat Dalal, Advocate
for Mr. Vaibhav Jain, Advocate for the applicant
Ms. Harsh Rekha Kapoor, Assistant Advocate General, Haryana

JAGMOHAN BANSAL, J. (Oral)

1. Through instant application under Section 11(6) of the Arbitration and Conciliation Act, 1996 (for short '**1996 Act**'), the applicant is seeking appointment of an Arbitrator.

2. The applicant was awarded work vide agreement dated 10.11.2008 (Annexure P-1) by the respondent. A dispute erupted between the parties. There is an arbitration clause in the aforesaid agreement. The execution of agreement, arbitration clause in agreement and service of notice under Section 21 of 1996 Act is not disputed.

3. Learned State counsel submits that the claim relates to agreement executed on 10.11.2008, thus, it is a dead claim.



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4. From the perusal of communication between the parties which are on record and arguments of State counsel, it is evident that final payment has not been made till date, thus, it cannot be concluded that claim of the applicant is dead wood. The question of limitation, in any case, needs to be adjudicated by the Arbitral Tribunal.

5. Conditions to invoke power conferred by Section 11(6) of 1996 Act stand satisfied, thus, I hereby appoint a sole Arbitrator to adjudicate the dispute between the parties.

6. Mr. Justice Rajbir Sehrawat, Retired Judge of this Court, residing at House No.3408, Sector 24, Chandigarh, Mobile No.7347025005 is hereby appointed as a Sole Arbitrator to adjudicate the dispute between the parties, subject to compliance of statutory requirements. The learned Arbitrator is requested to comply with mandate of Section 12 of 1996 Act before proceeding further.

7. Parties are directed to appear before the learned Arbitrator on date, time and place to be fixed by the Arbitrator at his convenience.

8. The Arbitrator shall be paid fee in accordance with the Fourth Schedule of the Act, as amended.

9. The Arbitrator is requested to complete the proceedings as per time limit specified under Section 29-A of the 1996 Act.

10. Needless to mention, parties would be at liberty to raise all the claims/defences/counter claims/pleas including issue of limitation before the



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Arbitrator. Any observation made hereinabove will not be binding on the learned Arbitrator.

11. A request letter along with copy of this order be sent to Mr. Justice Rajbir Sehrawat.

(JAGMOHAN BANSAL)
JUDGE

06.11.2024
Mohit Kumar

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