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

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Date of Decision: 08.08.2024

M/s Triveni Constructions

...Applicant

Versus

Union of India and others

...Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: - Mr. P.S. Rana, Advocate for the applicant

Ms. Genha Vaishnavi, Central Government Counsel,
for Union of India-respondents

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 allotted tender and thereafter an agreement was executed between the parties. There is an arbitration clause in the agreement. The parties are neither disputing existence of agreement nor arbitration clause.

3. Learned counsel for the respondents submits that applicant was supposed to file waiver agreement so that Arbitrator could be appointed by the respondent. They want to make appointment of a Serving Engineer as Sole Arbitrator.



4. The applicant, in terms of Section 21 of 1996 Act, served notice dated 22.11.2022 (Annexure A-5) upon the respondent. The respondent vide its reply dated 09.01.2023 (Annexure A-6) sought consent of the applicant for appointment of a serving officer as Arbitrator. The applicant did not agree to the proposal. Hence, present applicant.

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. Er. Rajinder Kumar Goyal, Former Chief Engineer, Punjab Water Supply & Sewerage Board & Former Member, State Consumer Commission, Punjab, residing at House No.1317, Sector 18-C, Chandigarh-160018, Mobile No.9646786980 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 Act.



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10. Needless to mention, parties will be at liberty to raise all the claims/defences/counter claims/pleas before the 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 Er. Rajinder Kumar Goyal.

(JAGMOHAN BANSAL)
JUDGE

08.08.2024
Mohit Kumar

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