

ARB-54-2023

-1-

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(216-1)

ARB-54-2023

Date of decision:- 01.03.2024

M/s Makhan Lal Govt. Contractor

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Rajesh Kumar Girdhar, Advocate
for the petitioner.

Mr. Anil Bansal, DAG, Punjab
for respondents No.1 and 2.

Mr. Arunjeet Singh Kakkar, Advocate
for respondent No.3.

SUVIR SEHGAL, J. (ORAL)

1. By way of instant petition filed under Section 11 read with Section 12 of the Arbitration and Conciliation Act, 1996 (for short “the Act”), petitioner has approached this Court for appointment of an independent Arbitrator to decide the dispute between the parties.
2. Counsel for the petitioner submits that the petitioner was awarded construction work by respondent No.3, which was completed within the time period as specified in the work order. Counsel submits that the payment for the work was not released, which forced the petitioner to

ARB-54-2023

-2-

submit a representation and then approached this Court by filing a writ petition. He submits that pursuant to order dated 20.04.2022, Annexure A-6, passed by this Court, respondent No.3 by letter dated 10.06.2022, Annexure A-7, rejected the representation and demand raised by the petitioner. Counsel submits that notice dated 05.08.2022, Annexure A-8, was served invoking Arbitration Clause 10, but no response was received to the notice.

3. Reply has been filed by respondents No.1 and 2, wherein it has been submitted that respondent No.3 is the contesting parties.

4. Counsel representing respondent No.3 has adopted the reply filed by the other two respondents. He is not in a position to dispute the work order, Arbitration Clause as well as Annexures A-7 and A-8. He, however, submits that the petitioner is not entitled to any payment.

5. In view of the stand taken by the parties, this Court is of the view that a dispute exists between them and the prayer made in the petition deserves to be acceded to.

6. Accordingly, petition is allowed. Ms. Puneeta Sethi, Advocate Kothi No. 843, Sector 16-D, Chandigarh, Mobile Nos. 9815264904 and 7973537026, is appointed as the sole Arbitrator to adjudicate the dispute between the parties, subject to declaration to be made by her under Section 12 of the Act with regard to her independence and impartiality to adjudicate the dispute.

7. Parties are directed to appear before the Arbitrator on 22.03.2024 at 11:00 A.M. at the address mentioned above or at any other place to be fixed with the consent of the parties.

ARB-54-2023

-3-

8. 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.
10. Copy of the order be sent to the appointed Arbitrator.

(SUVIR SEHGAL)
JUDGE

01.03.2024
Kamal

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