



ARB-42-2024 (O&M)

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

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ARB-42-2024 (O&M)
Date of Decision: 03.09.2024

Shivalik Contractors and Engineers (P) Limited**...Applicant**

Versus

Haryana Public Works Department and another**...Respondents****CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL**

Present: - Mr. Sanjay Bansal, Advocate and
Mr. Ashish Garg, Advocate for the applicant
(*through video conferencing*)

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 allotted work vide letter dated 01.12.2015 by the respondent. The parties entered into agreement. There is an arbitration clause in the General Condition of Contract Agreement. The allotment of work, arbitration clause in General Condition of Contract Agreement and service of notice under Section 21 of 1996 Act is not disputed.
3. Learned State counsel submits that respondent is in the process of appointing an Arbitrator.

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4. Learned counsel for the applicant submits that notice, in terms of Section 21 of 1996 Act, was served upon the respondent on 25.09.2023. The said notice was preceded by various notices. The applicant has already made requisite pre-deposit.

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 Rajiv Narain Raina, Retired Judge of this Court, residing at H.No.E/8-03 (GF), DLF The Valley (Near Amravati Enclave), Pinjore-Kalka Urban Complex, Sector-3, Panchkula-134107, Mobile No.7837049207 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.

10. Needless to mention, parties would 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. Pending application(s), if any, shall stand disposed of.
12. A request letter along with copy of this order be sent to Mr. Justice Rajiv Narain Raina.

(JAGMOHAN BANSAL)

JUDGE

03.09.2024

Mohit Kumar

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