



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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ARB-104-2023 (O&M)

Date of Decision: 20.11.2024

M/S TUNG BUILDERS PVT LTD

.... Petitioner

V/S

STATE OF PUNJAB AND OTHERS

.... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mrs. Kanwal S.Walia, Advocate and
Mr. Sourabh Chauhan, Advocate for the petitioner.

Ms. Amrita Garg, AAG, Punjab.

SUVIR SEHGAL, J. (ORAL)

1. By way of the present petition filed under Section 11(6) of the Arbitration and Conciliation Act, 1996 (for short 'the Act'), petitioner has approached this Court for appointment of an Arbitrator to adjudicate the dispute between the parties.

2. Reply by way of affidavit of Tajinder Singh, Executive Engineer, Provisional Division PWD (B&R), Shahid Bhagat Singh Nagar has been filed to the miscellaneous application filed by the petitioner, wherein it has been *inter alia* submitted as under:-

“6. That the present application as well as the petition preferred by the applicant petitioner is not maintainable as the entire petition of the claimant is misconceived. It will be pertinent to submit herein that the claimant has even manipulated/forged the stamp of the office of the respondent. The document

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which has been appended with the application has never been received in the office of Respondents. Moreover, the said documents is even different from the document which was produced by the applicant before this Hon'ble Court during the hearing of the matter. It will be significant to submit herein that the document which was handed over to the respondent during the course of hearing neither bears any stamp nor any dispatch number, however, the document which has been appended by the applicant petitioner with the application is a manipulated one as it bears signature as well as dispatch number. The said signature does not pertain to any official of the respondents. In order to substantiate that the said letter was never received in the office of Respondent No.3, the dairy register w.e.f 23.02.2023 to 28.02.2023 i.e. till date of filing and present petition, is hereby annexed as RA-1. Keeping in view the said fact, the applicant petitioner is trying to mislead the Hon'ble Court while placing on record the antedated document which was never in existence prior to the filing of the present application as well as the petition. Keeping in view the said petition as well as the application is liable to be dismissed with cost.”

2. At this stage, counsel for the petitioner submits that since the notice served by the petitioner invoking arbitration clause is being disputed, she may be permitted to withdraw the petition with liberty to approach this Court again after complying with the statutory requirement.



3. Dismissed as withdrawn with liberty as aforesaid.

20.11.2024
pooja saini

(SUVIR SEHGAL)
JUDGE

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