



ARB-57-2020

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

264

ARB-57-2020

Date of Decision: 01.08.2024

Bharat Rail Construction

...Applicant

Versus

Union of India and another

...Respondents

**CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL**

Present: - Mr. Dheeraj Mahajan, Advocate for the applicant

Mr. Shobit Phutela, Senior Panel Counsel for Union of India

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**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 parties entered into agreement (Annexure P-1). There is an arbitration clause in Northern Railway General Conditions of Contract Regulations and Instructions. The parties are neither disputing existence of agreement nor arbitration clause.

3. The applicant, in terms of Section 21 of 1996 Act, served notice dated 18.01.2020 (Annexure P-4) upon the respondent. The respondent did not act upon the said notice within the prescribed period.

4. 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.



5. Mr. Justice (Retd.) Surinder Gupta, residing at H.No. 542, The Foothills Cooperative Residential Society (IAS/PCS Society), New Chandigarh, Mullanpur Mobile Nos.9646356001, 9417312323 is requested to act an 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.
6. Parties are directed to appear before the learned Arbitrator on date, time and place to be fixed by the Arbitrator at his convenience.
7. The Arbitrator shall be paid fee in accordance with the Fourth Schedule of the Act, as amended.
8. The Arbitrator is requested to complete the proceedings as per time limit specified under Section 29-A of the Act.
9. Needless to mention, parties will be at liberty to raise all the claims/defences/counter claims/pleas before the Arbitrator including issue of limitation. Any observation made hereinabove will not be binding on the learned Arbitrator.
10. A request letter along with copy of this order be sent to Mr. Justice (Retd.) Surinder Gupta.

(JAGMOHAN BANSAL)  
JUDGE

01.08.2024  
Mohit Kumar

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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |