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

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Date of Decision: 04.12.2024

M/s Surinder Kumar and Co.

...Applicant

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: - Mr. Dheeraj Mahajan, Advocate and
Mr. Jasjit Singh Saini, Advocate for the applicant
Mr. Ramandeep Singh, Senior Deputy Advocate General, Punjab

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. Pursuant to a tender, the applicant was allotted work vide letter dated 27.02.2009 (Annexure P-1) by the respondent. Thereafter, an agreement was executed between the parties. A dispute erupted between the parties. There is an arbitration clause in the tender document. The allotment of work, execution of agreement, arbitration clause in the tender document and service of notice under Section 21 of 1996 Act is not disputed.

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3. Learned State counsel submits that work was completed in 2012 and final payment was made in 2013, thus, claim of the applicant is barred by limitation. It is deadwood which cannot be rekindled by this Court.

4. The respondent made payment of ₹88 Lakhs in 2013 on the direction of this Court. The dispute with respect to interest was kept open. The application approached Civil Court where its suit was disposed of in view of alternative remedy of arbitration, thus, it cannot be concluded that claim of the application is deadwood. The question of limitation needs to be examined by Arbitral Tribunal.

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. Mahendar Singh, Additional District & Sessions Judge (Retd.), residing at House No.GL-195, TDI Smart City, Sector 118, Mohali-160055 Mobile No.9467001234 & 8398873456 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.



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9. The Arbitrator is requested to complete the proceedings as per time limit specified under Section 29-A of the 1996 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. A request letter along with copy of this order be sent to Mr. Mahendar Singh.

(JAGMOHAN BANSAL)
JUDGE

04.12.2024
Mohit Kumar

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