

ARB-32-2022

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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

107

ARB-32-2022
Date of decision:16.01.2024

GURBAX SINGH GOVT CONTRACTOR ... PETITIONER
VS.
STATE OF PUNJAB AND OTHERS ... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Shashi Bhushan Gautam, Advocate for the petitioner.
Mr. Athar Ahmed, DAG, Punjab.

SUVIR SEHGAL J. (ORAL)

1. By way of instant petition filed under Section 11 of the Arbitration and Conciliation Act, 1996 (for short “the Act”), petitioner has approached this Court for appointment of an Arbitrator.
2. Response has been filed by the State. Perusal of the response shows that neither the arbitration agreement has been denied nor the arbitration clause. By virtue of letter dated 28.08.2020, Annexure A-12, petitioner had approached the Executive Engineer, who is the Engineer In-charge, but he did not respond. Thereafter, notice dated 18.11.2020, Annexure A-13, was served invoking the arbitration clause, which also remained unattended.
3. In view of the above, prayer made in the petition deserves to be accepted.

4. Accordingly, petition is allowed. Sh. Jagdhish Singh Khushdil, District & Sessions Judge (Retd.), H. No.5412, HIG (Ind.) Sector 38 West, Chandigarh, Mobile No.8558803871, is appointed as the sole Arbitrator to adjudicate the dispute between the parties, subject to declaration to be made by him under Section 12 of the Act with regard to his independence and impartiality to adjudicate the dispute between the parties.
5. Parties are directed to appear before the Arbitrator on 06.03.2024 at 11:00 A.M. at the address mentioned above or on any other day, time or place intimated by the learned Arbitrator.
6. The arbitrator shall be paid fee in accordance with the Fourth Schedule of the Act, as amended.
7. The arbitrator is requested to complete the proceedings as per time limit specified under Section 29-A of the Act.
8. It is clarified that the reference shall be subject to the petitioner's complying with all the requirements of the agreement.
9. Copy of the order be sent to the learned arbitrator.

16.01.2024
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(SUVIR SEHGAL)
JUDGE

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