



ARB-158-2024

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

304

ARB-158-2024

Date of decision: 13.11.2024

**M/S AVR IMPEX PARTNERSHIP FIRM THROUGH ITS AUTHORIZED
PERSON SH VIKRAM RANDHAWA**

....APPLICANT**Vs.****STATE OF PUNJAB AND OTHERS****...RESPONDENTS****CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL**

Present: Ms. Mehak Sawhney, Advocate for
Mr. Jagdeep Singh Rana, Advocate for
for the applicant.

Mr. Ramandeep Singh, Senior DAG, Punjab.

JAGMOHAN BANSAL, J (ORAL)

1. Reply by way of affidavit of Sh. Ramanpreet Singh presently posted as Executive Engineer, Water Supply & Sanitation Division No. 3, Sahibzada Ajit Singh Nagar (Mohali) filed on behalf of respondent Nos. 1 to 3 is taken on record. Registry is directed to tag the same at an appropriate place.

2. 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.

3. Pursuant to tender, the applicant was allotted work vide letter dated 27.09.2019 (Annexure P-2) by the respondents. A dispute erupted between the parties. There is an arbitration clause in the Contract Agreement. The allotment of work, arbitration clause in the General Conditions of Contract and service of notice under Section 21 of 1996 Act is not disputed.



4. Mr. Ramandeep Singh, Senior DAG, Punjab submits that respondents had asked the applicant vide communication dated 30.04.2024 to accord its consent to appoint any Arbitrator out of enclosed list.

5. From the reply as well as submissions of learned State Counsel, it is evident that respondent is not disputing appointment of Arbitrator, however, dispute is confined to name of the Arbitrator.

6. Learned counsel for the respondents submits that he leaves it to this Court to make appointment of an independent Arbitrator.

7. 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.

8. Mr. Justice Vivek Puri, Former Judge of this Court, residing at House No.237, Sector 16-A, Chandigarh, Mobile No.8558800190 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.

9. Parties are directed to appear before the learned Arbitrator on date, time and place to be fixed by the Arbitrator at his convenience.

10. The Arbitrator shall be paid fee in accordance with the Fourth Schedule of the Act, as amended.

11. The Arbitrator is requested to complete the proceedings as per time limit specified under Section 29-A of the 1996 Act.



ARB-158-2024 -3-

12. 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.

13. A request letter along with copy of this order be sent to Mr. Justice Vivek Puri.

13.11.2024
manoj

[JAGMOHAN BANSAL]
JUDGE

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