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

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Date of Decision: 29.08.2024

M/s Chaman Lal and Sons

...Applicant

**Versus**

Engineer-in-Chief and another

...Respondents

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

Present: - Mr. Nimish Gautam, Advocate  
for Mr. Dheeraj Mahajan, Advocate for the applicant  
Ms. Harsh Rekha Kapoor, Assistant Advocate General, Haryana  
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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 applicant was allotted work vide allotment letter dated 05.11.2015 by the respondent. Thereafter, a contract agreement was executed between the parties. There is an arbitration clause in the aforesaid agreement. The execution of agreement, arbitration clause in the agreement and service of notice under Section 21 of 1996 Act is not disputed.

3. The applicant submits that respondent is opposing appointment of Arbitrator on the ground that full and final payment has already been made



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and it is compelled to make pre-deposit of 2% of the claimed amount which is contrary to the law laid down by the Supreme Court.

4. On being pointed out judgment of Supreme Court in *S.K. Jain v. State of Haryana and another, (2009) 4 SCC 357*, learned counsel for the applicant submits that the applicant would comply with the condition of pre-deposit.

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. Justice Ranjit Singh, Retired Judge of this Court, residing at House No.1024, Sector 27-B, Chandigarh, Mobile No.9899791094 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.

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



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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. Justice Ranjit Singh.

**(JAGMOHAN BANSAL)**  
**JUDGE**

**29.08.2024**  
*Mohit Kumar*

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