

2024:PHHC:091148



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

105+216

**CWP-11626-2021 (O&M).
Date of Decision: 19.07.2024.**

M/S OBEROI CONSTRUCTION CORPORATION

... Petitioner(s)

Versus

STATE OF PUNJAB AND OTHERS

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.

Present: Mr. P.S. Rana, Advocate, for the petitioner.

Ms. Niharika Sharma, AAG, Punjab.

VINOD S. BHARDWAJ, J. (ORAL)

CM-9822-CWP-2024

Application is allowed as prayed for subject to all just exceptions.

Affidavit of Rajesh Khosla, Chief Engineer (Central) Department of Water Supply and Sanitation, Punjab, Patiala, along with accompanying Annexures are taken on record subject to just exceptions.

The Registry is directed to tag the same at an appropriate place in the paper book.

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Main case

Challenge in the present petition is to the office order dated 25.01.2021 (Annexure P-11) whereby the claim of the petitioner for payment on the basis of the order passed by the Adjudicator has been declined on the ground that the matter has been referred to Arbitrator.

Pursuant to the order passed by this Court, an affidavit of Rajesh Khosla, Chief Engineer (Central) Department of Water Supply and Sanitation, Punjab, Patiala has been filed wherein it has been averred that due to typographical error there was no appointment of arbitrator and that eventually an arbitrator was appointed, however, he recused himself and stated that they have initiated the process to appoint new arbitrator.

Learned counsel for the petitioner as well as learned State counsel, on telephonic instructions from Mr. Birinder Singh, OSD Litigation, Water and Sanitation Department, submit that they have no objection to the appointment of the arbitrator by this Court.

Accordingly, Sh. K.D.S. Hooda, Advocate, (P-858-1993, Mobile No.9417347079 who is present in the Court, is appointed as a Sole Arbitrator to adjudicate the dispute between the parties.

The fee of the Arbitrator shall be determined in terms of the Schedule 4 of the Arbitration and Conciliation Act, 1996. The nominated Arbitrator shall furnish a declaration as mandated in Section 12 of the Arbitration and Conciliation Act, 1996 and the Schedule attached as regards

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to the non-alignment and affiliation to any of the parties.

The duration for completion of arbitration proceedings would be as mandated in Section 29-A of the Arbitration and Conciliation Act, 1996. The venue of arbitration shall be Chandigarh Arbitration Centre, Chandigarh and without prejudice to the seat of arbitration and jurisdiction as agreed upon between the parties.

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

The petition stands disposed of as aforesaid.

Copy of the order be sent to the appointed arbitrator.

Pending, misc. application(s), if any shall also stand(s) disposed of accordingly.

July 19, 2024
raj arora

(VINOD S. BHARDWAJ
JUDGE

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