



ARB-214-2024 (O&M) & connected cases

-1-

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

278 (3 cases)

ARB-214-2024 (O&M)

Date of Decision 06.11.2024

M/s R.K. Infrastructure

...Applicant

Versus

State of Haryana and others

...Respondents

With

ARB-215-2024 (O&M)

M/s R.K. Infrastructure

...Applicant

Versus

State of Haryana and others

...Respondents

And

ARB-265-2024 (O&M)

M/s R.K. Infrastructure

...Applicant

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: - Mr. Sanjeev Kumar, Advocate for the applicant

Ms. Harsh Rekha Kapoor, Assistant Advocate General, Haryana

JAGMOHAN BANSAL, J. (Oral)

1. As common issues are involved in the captioned applications,
with the consent of both sides the same are hereby disposed of by this

**ARB-214-2024 (O&M) & connected cases****-2-**

common order. For the sake of brevity and convenience, facts are borrowed from *ARB-214-2024*.

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 11.10.2013 (Annexure P-2) by the respondent. A dispute erupted between the parties. There is an arbitration clause in the tender document. The allotment of work, arbitration clause in the tender document and service of demand notice is not disputed.

4. Learned State counsel submits that claim of the applicant is barred by limitation.

5. The claim of the applicant does not *prima facie* seems to be dead wood and question of limitation, in any case, needs to be adjudicated by the Arbitral Tribunal.

6. 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.

7. Mr. Suresh Kumar Verma, Advocate, residing at Flat No. 162/3, Sushma Valencia, Nagla Road, Near Manav Mangal School, Zirakpur, District S.A.S. Nagar Mohali, Punjab, Mobile Nos.9417474945, 6239569437 is hereby appointed as a Sole Arbitrator to adjudicate the dispute between the

**ARB-214-2024 (O&M) & connected cases****-3-**

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.

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

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

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

11. 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.

12. Pending application(s), if any, shall stand disposed of.

13. A request letter along with copy of this order be sent to Mr. Suresh Kumar Verma, Advocate.

(JAGMOHAN BANSAL)
JUDGE

06.11.2024*Mohit Kumar*

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