



ARB-239-2024

-1-

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

278

ARB-239-2024

Date of Decision: 20.11.2024

M/s SHA Construction Co.

...Applicant

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: - Mr. Arun Bansal, Advocate for the applicant
(*through video conferencing*)

Mr. Ramandeep Singh, Senior Deputy Advocate General, Punjab

JAGMOHAN BANSAL, J. (Oral)

1. Through instant application under Section 11 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 15.04.2021 (Annexure P-2) by the respondent. Thereafter, an agreement dated 14.07.2021 was executed between the parties. A dispute erupted between the parties. There is an arbitration clause in the General Conditions of Contract. The allotment of work, arbitration clause in General Conditions of Contract and service of notice under Section 21 of 1996 Act is not disputed.

3. Learned State counsel submits that on account of lapse on the part of applicant, the contract was terminated and work was allotted to another contractor. It is the applicant who has caused loss to the respondent-State, thus, the matter is not required to be referred to Arbitral Tribunal.

**ARB-239-2024****-2-**

4. The issue raised by learned State counsel needs to be adjudicated by the Arbitral Tribunal especially when there is no dispute with respect to the arbitration agreement.

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. Manmohan Singh, Retired Chief Engineer-cum-Engineer-in-Chief, Department of Local Government and Former Member, Punjab Infrastructure Regulatory Authority, residing at House No.74, Ward No.07, Gurdwara Road, Kharar, District Mohali- 140301, Mobile No.9876700454 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 1996 Act.

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.



ARB-239-2024

-3-

11. A request letter along with copy of this order be sent to Mr. Manmohan Singh.

(JAGMOHAN BANSAL)
JUDGE

20.11.2024
Mohit Kumar

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