



ARB-238-2024

-1-

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

257

ARB-238-2024

Date of Decision: 27.09.2024

Johnson Lifts Private Limited

...Applicant

Versus

Central Public Works Department and another

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: - Mr. Dhruv Mittal, Advocate for the applicant

Mr. Vijay Pal, Senior Panel Counsel
for Union of India-respondents

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. Pursuant to tender, the applicant was allotted work by the respondent. A dispute erupted between the parties. There is an arbitration clause in 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 counsel for the respondent submits as per procedure prescribed in the agreement, the applicant was required to follow the pre-reference procedure and as per that procedure, the matter, at the first instance,

**ARB-238-2024****-2-**

is required to be referred to Dispute Redressal Committee (for short 'DRC').
The applicant has not followed the prescribed procedure.

4. From the perusal of record, it comes out that the applicant since September' 2023 is requesting the respondent to resolve the matter. The letter dated 22.12.2023 of the respondent reveals that Chief Engineer called the report from Superintending Engineer with respect to reference of matter to DRC. Undisputedly, till date the respondent has not constituted DRC, thus, there is fallacy in the claim of the respondent that applicant has not followed the pre-reference procedure.

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. Naresh Kumar Bansal, Advocate residing at House No.1071, Sector 42-B, Chandigarh- 160036, Mobile No.9814100403 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.

**ARB-238-2024****-3-**

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.

11. A request letter along with copy of this order be sent to Mr. Naresh Kumar Bansal, Advocate.

(JAGMOHAN BANSAL)
JUDGE

27.09.2024*Mohit Kumar*

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