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

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Date of Decision: 21.10.2024

M/s Simran Builders Engineer & Contractors

...Applicant

Versus

Executive Engineer, Construction Division No.2, Public Works

Department, B&R, Amritsar and another

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: - Mr. A.P.S. Sandhu, Advocate
Mr. Ashish Kaushik, Advocate and
Mr. Vikram Singh, Advocate for the applicant
Mr. Ramandeep Singh, Senior Deputy Advocate General, Punjab

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 vide allotment letter dated 28.07.2011 (Annexure P-1) by the respondent. Thereafter, an agreement was executed between the parties. A dispute erupted between the parties. There is an arbitration clause in General Conditions of Contract. The allotment of work, execution of agreement, arbitration clause in General Conditions of Contract and service of notice under Section 21 of 1996 Act is not disputed.

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3. Reply by way of affidavit dated 19.10.2024 of Er. Dawinderpal Singh, Executive Engineer, Construction Division No.2, PWD, B&R, Amritsar is taken on record. The Registry is directed to tag the same at an appropriate place.

4. Learned counsel for the parties are *ad idem* that at one point of time, Superintending Engineer was appointed as an Arbitrator who did not proceed further and in any case, being employee of the respondent, could not be appointed as an Arbitrator.

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 Girish Agnihotri, Former Judge of this Court, residing at House No.215, Sector 9, Chandigarh, Mobile No.7009260001 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.

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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 Girish Agnihotri.

(JAGMOHAN BANSAL)
JUDGE

21.10.2024
Mohit Kumar

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