



ARB-271-2024

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

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Date of Decision: 04.11.2024

M/s Aggarwal Builders

...Applicant

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: - Mr. R.K. Girdhar, Advocate for the applicant

Mr. Ramandeep Singh, Senior Deputy Advocate General, Punjab

JAGMOHAN BANSAL, J. (Oral)

1. Through instant application under Section 11 read with Section 12 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 letter dated 26.12.2016 (Annexure A/2) 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 the General Conditions of Contract and service of notice under Section 21 of 1996 Act is not disputed.

3. Reply by way of affidavit of Sh. Amarjit Singh, Executive Engineer, Panchayati Raj Public Works Division, Hoshiarpur filed on behalf of the respondents is taken on record subject to just exceptions. Registry is directed to tag the same at an appropriate place.

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4. Learned State counsel submits that respondent has already made full and final payment along with interest and claim of the applicant is misconceived. The applicant is trying to drag the respondent in unwanted litigation. He further submits that claim of the applicant is time barred.

5. Learned counsel for the applicant submits that final payment till date has not been made. The respondent has wrongly rejected claim of the applicant. It is the Arbitral Tribunal which has to decide rights and liabilities of the parties.

6. The respondent is not disputing arbitration agreement, however, is disputing its liability.

7. 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.

8. 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.

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

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

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

12. 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.

13. A request letter along with copy of this order be sent to Mr. Justice Girish Agnihotri.

(JAGMOHAN BANSAL)
JUDGE

04.11.2024*Mohit Kumar*

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