

2024:PHHC:067210



ARB-256-2023 (O&M)

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

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ARB-256-2023 (O&M)

Date of Decision: 14.05.2024

M/S A.M. INFRASTRUCTURE PROJECTS PVT. LTD.

..... Petitioner

Vs

STATE OF HARYANA AND OTHERS

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Aman Raj Bawa, Advocate for the petitioner.

Mr. Aman Bahri, Addl. A.G. Haryana.

SUVIR SEHGAL, J. (ORAL)

1. Instant petition has been filed under Section 11(6) of the Arbitration and Conciliation Act, 1996 (for short 'the Act') read with scheme of appointment of Arbitrators by the Chief Justice of Punjab and Haryana High Court, 2003.

2. Counsel for the petitioner submits that work of the 'Upgradation and strengthening of Panipat-Barsat Road' was awarded to the petitioner and the contract agreement dated 28.07.2017, Annexure P-1 was entered into between the parties. He submits that clause 24 of the contract agreement provides for appointment of an Arbitrator in case of dispute between the parties. He submits that on account of difference between the parties, notice dated 06.09.2022, Annexure P-6



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was served upon the respondents invoking the arbitration clause.

3. Upon notice of this petition, respondents have filed an affidavit wherein it has been submitted that Sh. S.S. Goel, Superintending Engineer (Retd.) has been appointed as an Arbitrator vide letter dated 14.08.2022, Annexure R-1.

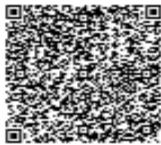
4. During the course of hearing, Mr. Aman Bahri, Addl. A.G. Haryana, has placed on record Xerox copy of the memo bearing No.25834, dated 15.02.2024 and has submitted that the appointed Arbitrator has not entered upon the reference. He has specific instructions from Mr. Parveen Chhikara, SDO, PWD (B&R), Panipat, to state that an Arbitrator may be appointed by this Court.

5. In view of the above, prayer made in the petition is allowed.

6. Hon'ble Mr. Justice (Retd.) Adarsh Kumar Goel, former Judge of the Supreme Court, C-2/24, Safdarjung Development Area, New Delhi -110016, Mobile No. 9910213040, is requested to act as the Arbitrator to adjudicate the dispute between the parties subject to compliance of the statutory requirements.

8. Parties are directed to appear before the Arbitrator on the day, time and place to be fixed and communicated by the Arbitrator at his convenience. Liberty is given to the parties to request the Arbitrator to hold the proceedings at Chandigarh.

9. Needless to mention that all the questions arising between the parties in this matter will remain open for determination in the arbitration proceedings and any observation made hereinabove will



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not be binding on the learned Arbitrator.

10. A request letter be sent to Hon’ble Mr. Justice (Retd.) Adarsh Kumar Goel along with a copy of this order.

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

14.05.2024
pooja saini

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No