

ARB-285-2022 & ARB-288-2022 -1-

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

254 (2 cases) ARB-285-2022
Date of Decision: 09.12.2024

M/s Bhagirathi Infrastructure ...Applicant

Versus

Haryana Shahri Vikas Pardhikaran and others ...Respondents

With

ARB-288-2022

M/s Bhagirathi Infrastructure ...Applicant

Versus

Haryana Shahri Vikas Pardhikaran and others ...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: - Mr. Lajpat Rai Sharma, Advocate for
Mr. Vivek Khatri, Advocate for the applicant
Mr. Nitin Kumar Sharma, Advocate for
Mrs. Shubhra Singh, Advocate the respondents

JAGMOHAN BANSAL, J. (Oral)

1. As common issues are involved in both the captioned applications, with the consent of both sides, the same are hereby disposed of by this common order. For the sake of brevity and convenience, facts are borrowed from *ARB-285-2022*.
2. 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.

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3. Pursuant to tender, the applicant was allotted work by the respondent vide allotment letter dated 22.03.2021 (Annexure P-1). Thereafter, an agreement was executed between the parties. A dispute erupted between the parties. There is an arbitration clause in Conditions of Contract. The allotment of work, execution of agreement, arbitration clause in Conditions of Contract and service of notice under Section 21 of 1996 Act is not disputed.

4. Learned counsel for the respondent submits that that he leaves it to this Court to make appointment of an independent Arbitrator. He further submits that as per arbitration clause, the applicant has to make pre-deposit of 7.5% of the claimed amount.

5. The applicant, on being confronted with the said clause, submits that pre-deposit would be made within six weeks from today.

6. 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.

7. Mr. Justice Jitendra Chauhan, Retired Judge of this Court, residing at House No.1501, Sector 36-D, Chandigarh, Mobile No.9780008142 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.

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

9. The Arbitrator shall be paid fee in accordance with the Fourth Schedule of the Act, as amended.
10. The Arbitrator is requested to complete the proceedings as per time limit specified under Section 29-A of the 1996 Act.
11. 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.
12. A request letter along with copy of this order be sent to Mr. Justice Jitendra Chauhan.

(JAGMOHAN BANSAL)
JUDGE

09.12.2024
Mohit Kumar

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