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

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Date of Decision: 08.08.2024

Narender Kumar

...Applicant

Versus

State of Haryana and Another

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: - Mr. Amitabh Tewari, Advocate and
Mr. Satvik Bansal, Advocate for the applicant

Mr. Parveen Chander Goyal, Addl. Advocate General, Haryana

Mr. D.S. Rawat, Advocate for respondent No.2

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. The applicant was allotted tender and thereafter tender agreement was executed between the parties. As per the agreement, at the first instance matter was to be referred to Dispute Redressal Committee. The applicant requested the respondents to constitute Dispute Redressal Committee in 2022, however, they failed to do so.

3. Mr. D.S. Rawat, Advocate, at this stage, is claiming that respondents are in the process of constituting Dispute Redressal Committee.



4. A lot of water has already flown and there is an arbitration clause in the agreement. The respondents are claiming that they are in the process of constituting Dispute Redressal Committee, however, till date committee has not been constituted.

5. The applicant, in terms of Section 21 of 1996 Act, served notice dated 19.04.2023 (Annexure P-14) upon respondent No.2. The respondent did not act upon the said notice within the prescribed period.

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. Er. Tarsem Lal Garg, Former Superintending Engineer, Punjab State Agricultural Marketing Board (Punjab Mandi Board, PSAMB), residing at House No.426, Sector 44-A, Chandigarh-160047, Mobile No.9988859644 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.



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

11. Needless to mention, parties will 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 Er.Tarsem Lal Garg.

(JAGMOHAN BANSAL)
JUDGE

08.08.2024*Mohit Kumar*

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