

Neutral Citation No. **2024:PHHC:048515**

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

262

ARB-302-2023 (O&M)
Date of Decision:09.04.2024

**THE JAI BABA GANGA DASS COOPERATIVE LABOUR
AND CONSTRUCTION SOCIETY LTD.**

... Petitioner

VS

STATE OF HARYANA AND OTHERS

.... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Ketan Antil, Advocate for the petitioner.

Mr. Sharad Aggarwal, DAG, Haryana.

SUVIR SEHGAL, J. (ORAL)

1. By way of present petition filed under Section 11 of the Arbitration and Conciliation Act, 1996, petitioner has approached this Court for appointment of an Arbitrator to adjudicate the dispute between the parties, which has arisen out of agreement dated 27.04.2018, Annexure P-1.

2. Upon notice, petition has been contested by the respondents by filing a written statement wherein, an objection has been taken that the petitioner has not deposited 2% of the claim amount prior to the

invocation of the arbitration clause. Another objection has been raised that the petitioner has failed to approach the competent authority as provided in the arbitration clause No. 24.

3. I have heard counsel for the parties and considered their respective submissions.

4. Both the objections raised by the respondents have been taken care of. During the pendency of the petition, petitioner has deposited Rs.3,69,000/- which according to him is 2% of the claimed amount. This has been verified by the State counsel, upon instructions from Mr. Anil Chahal SDE, PWD (B&R) Branch, Sonapat. Insofar as the second objection is concerned, suffice it to notice that petitioner has approached the Superintending Engineer by letter dated 14.11.2022, Annexure P-2. As competent authority has not been defined in the agreement, letter Annexure P-2 would meet the requirements of the arbitration clause.

5.. In view of the above, this Court is of the view that the prayer made in the petition deserves to be acceded to.

6. Accordingly, petition is allowed.

7. Mr. Justice M.M. Kumar, Former Chief Justice of J & K High Court, House No. 79, Sector 16-A, Chandigarh, Mobile No. 9888824752, is requested to act as an Arbitrator to adjudicate the dispute between the parties, subject to compliance of statutory requirements.

8. Parties are directed to appear before the Arbitrator on the date, time and place to be fixed and communicated by the Arbitrator

at his convenience.

10. Needless to mention, parties will be at liberty to raise all the claims/counter claims/pleas/defence before the Arbitrator.

11. A request letter along with a copy of this order be sent to Mr. Justice M.M. Kumar (Retd.).

09.04.2024
pooja saini

(SUVIR SEHGAL)
JUDGE

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