



ARB-330-2024 (O&M)

-1-

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

294

ARB-330-2024 (O&M)
Date of Decision: 04.09.2024

M/s Lord Shiva Construction Company

...Applicant

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: - Mr. Lajpat Sharma, Advocate
for Mr. Vivek Khatri, Advocate for the applicant
Mr. Raman Sharma, Additional Advocate General, Haryana

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 work vide letter dated 18.12.2019 (Annexure P-1) by the respondent. Thereafter, a Contract Agreement was executed between the parties. There is an arbitration clause in the Contract Agreement. The allotment of work, arbitration clause in the Contract Agreement and service of notice under Section 21 of 1996 Act is not disputed.
3. Learned State counsel submits that claim amount is less than 2 Crores, thus, matter cannot be referred to Arbitrator.



4. On being pointed out Clause 24.1 of the Contract Agreement, learned State counsel conceded that value of contract must be considered, not the disputed amount. The value of contract is more than 2 Crores, thus, matter needs to be referred to an Arbitrator.

5. 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.

6. Mr. Justice Ram Chand Gupta, Retired Judge of this Court, residing at House No.215CP, Sector 4, M.D.C. Panchkula, Mobile No.9780008147 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.

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

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

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

10. 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.

11. Pending application(s), if any, shall stand disposed of.
12. A request letter along with copy of this order be sent to Mr. Justice Ram Chand Gupta.

(JAGMOHAN BANSAL)

JUDGE

04.09.2024

Mohit Kumar

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