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

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Date of Decision: 21.10.2024

M/s Kisan Construction Company

...Applicant

Versus

Haryana Police Housing Corporation and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: - Mr. Lajpat Rai, Advocate
for Mr. Vivek Khatri, Advocate for the applicant
Mr. Varun Katyal, Advocate for the respondents

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. Pursuant to tender, the applicant was allotted work vide allotment letter dated 11.05.2020 (Annexure P-1) by the respondent. Thereafter, an agreement (Annexure P-2) was executed between the parties. A dispute erupted between the parties. There is an arbitration clause in Conditions of Contract in the tender document. 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.

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3. Reply filed by the respondents is taken on record. The Registry is directed to tag the same at an appropriate place.
4. Learned counsel for the respondents 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 5% of the claimed amount.
5. The applicant, on being confronted with the said clause, submits that pre-deposit would be made within one month 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. Dr. Sarita Gupta, Retired District and Sessions Judge, residing at Flat No.202, Tower 12-A Suncity Parikrama, Sector 20, Panchkula- 134117, Mobile No.9671819333 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 her 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 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 Dr. Sarita Gupta.

(JAGMOHAN BANSAL)
JUDGE

21.10.2024
Mohit Kumar

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