



ARB-328-2022

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

274

ARB-328-2022

Date of Decision: 01.08.2024

M/s P.K Verma and Company

...Applicant

Versus

Union of India and Another

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: - Mr. Dheeraj Mahajan, Advocate for the applicant

Ms. Puneeta Sethi, Senior Panel Counsel for Union of India

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 construction work vide allotment letter dated 27.01.2016. Pursuant to allotment letter, the applicant and respondent entered into an agreement dated 23.03.2016. There is an arbitration clause in the agreement means existence of arbitration agreement is undisputed. The applicant served demand notice upon respondent which has not been acted upon.

3. Ms. Puneeta Sethi, Advocate submits that in the shape of supplementary agreement dated 03.09.2019, full and final settlement deed was prepared wherein it was categorically mentioned that the applicant has received full and final payment and the principal agreement executed between

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the parties stands discharged. As the applicant has received full and final payment, there is no question of arbitration.

4. On being confronted with the fact that respondent has made payment to applicant on 03.12.2019 as well as 07.01.2020, Ms. Puneeta Sethi, Advocate expressed her inability to controvert.

5. The applicant, in terms of Section 21 of 1996 Act, served notice dated 25.07.2022 (Annexure P-6) upon the respondent. 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. Mr. Justice (Retd.) Jasbir Singh, residing at House No.839, Sector 16, Chandigarh, Mobile No.9780008106 is requested to act as an 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 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 Mr. Justice (Retd.) Jasbir Singh.

(JAGMOHAN BANSAL)
JUDGE

01.08.2024
Mohit Kumar

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