



ARB-357-2024

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

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ARB-357-2024

Date of Decision: 13.08.2024

M/s Garg Construction Company

...Applicant

Versus

Haryana Shehri Vikas Pradhikaran and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: - Mr. Lajpat Sharma, Advocate
for Mr. Vivek Khatri, Advocate for the applicant

Mr. Vaneet Soni, Advocate
for Mr. Deepak Sabharwal, Advocate for 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. The parties entered into agreement (Annexure P-2). There is an arbitration clause in the aforesaid agreement. The execution of agreement, arbitration clause in the agreement and service of notice under Section 21 of 1996 Act is not disputed.
3. Mr. Vaneet Soni, Advocate submits that claim of the applicant is barred by limitation. The agreement was executed on 12.07.2011 and period of contract expired on 15.03.2013. The respondent released security of the



applicant on 15.06.2018 and applicant, for the first time, lodged its claim on 22.09.2023.

4. Mr. Lajpat Sharma, Advocate submits that respondent vide letters dated 13.02.2024 and 26.04.2024 has conceded that final bill is still pending. These letters indicate that the matter is not concluded.

5. This Court is of the considered view that claim raised by the applicant is not *prima facie* dead wood. The question of limitation needs to be adjudicated by Arbitrator.

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.) S.N. Aggarwal, residing at House No.1458, Sector 40-B, Chandigarh, Mobile No. 9876716983 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.

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

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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 Mr. Justice (Retd.) S.N. Aggarwal.

(JAGMOHAN BANSAL)
JUDGE

13.08.2024*Mohit Kumar*

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