



ARB-344-2023 (O&M)

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

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ARB-344-2023 (O&M)

Date of Decision: 10.12.2024

Siemens Healthcare Private Limited

...Applicant

Versus

**Post Graduate Institute of Medical Education and Research,
Chandigarh**

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: - Mr. Munish Kumar Garg, Advocate and
Mr. Vikas Mehra, Advocate for the applicant

Mr. Prateek Gupta, Advocate and
Ms. Vanshika Tuteja, Advocate for the respondent

JAGMOHAN BANSAL, J. (Oral)

1. Through instant application under Section 11 of the Arbitration and Conciliation Act, 1996 (for short '**1996 Act**'), the applicant is seeking appointment of an Arbitrator.

2. Pursuant to tender, the bid of the applicant was accepted vide acceptance letter dated 01.02.2022 by the respondent. Thereafter, Tender Contract dated 29.03.2022 (Annexure P-1) was issued by the respondent. A dispute erupted between the parties. There is an arbitration clause in the General Terms and Conditions. The allotment of work, issuance of Tender Contract, arbitration clause in General Terms and Conditions and service of notice under Section 21 of 1996 Act is not disputed.



3. Reply filed by the respondent is taken on record. Registry is directed to tag the same at an appropriate place.
4. Learned counsel for the respondent submits that there is dispute with respect to reduction of CMC, however, she leaves it to this Court to make appointment of an independent Arbitrator.
5. The objection raised by respondent needs to be adjudicated by the Arbitral Tribunal.
6. Both parties agree that a Sole Arbitrator may be appointed.
7. 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.
8. 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.
9. Parties are directed to appear before the learned Arbitrator on date, time and place to be fixed by the Arbitrator at her convenience.
10. The Arbitrator shall be paid fee in accordance with the Fourth Schedule of the Act, as amended.
11. The Arbitrator is requested to complete the proceedings as per time limit specified under Section 29-A of the 1996 Act.



12. 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.

13. Pending application(s), if any, shall stand disposed of.

14. A request letter along with copy of this order be sent to
Dr. Sarita Gupta

(JAGMOHAN BANSAL)
JUDGE

10.12.2024
Mohit Kumar

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