



ARB-381-2024 (O&M)

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

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ARB-381-2024 (O&M)
Date of Decision: 11.11.2024

Kulbhushan Joshi

...Applicant

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: - Mr. Sandeep K. Sharma, Advocate,
Mr. Arjun Singh, Advocate and
Mr. Harjit Yadav, Advocate for the applicant

Mr. Ramandeep Singh, Senior Deputy Advocate General, Punjab

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 memo dated 19.12.2016 (Annexure P-1) by the respondent. Thereafter, a contract agreement/standard bidding document dated 19.12.2016 was executed between the parties. A dispute erupted between the parties. There is an arbitration clause in the aforesaid agreement. The allotment of work, execution of agreement, arbitration clause in the agreement and service of notice under Section 21 of 1996 Act is not disputed.

3. Learned State counsel submits that claim of the applicant is time barred. The Water and Sanitation Department has constituted a committee to



consider the claim of the applicant. The deduction, if any, has been made by the said Department.

4. The issues raised by the respondent need to be adjudicated by the Arbitral Tribunal.

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. Suresh Kumar Nangru, Former Superintending Engineer, Haryana State Agricultural Marketing Board, residing at House No.154, Sector 35-A, Chandigarh, Mobile Nos.9416036745 & 9812004000 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 1996 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.



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11. Pending application(s), if any, shall stand disposed of.
12. A request letter along with copy of this order be sent to Mr. Suresh Kumar Nangru.

(JAGMOHAN BANSAL)

JUDGE

11.11.2024

Mohit Kumar

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