



ARB-394-2023 (O&M)

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

(114+231-2)

ARB-394-2023 (O&M)

Date of decision:- 12.11.2024

Oasis Projects Limited

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Naresh Markanda, Senior Advocate with
Mr. Nikhil Handu, Advocate,
Mr. Rohan Markanda, Advocate and
Ms. Aviral Setia, Advocate
for the petitioner.

Ms. Amrita Garg, AAG, Punjab
for the applicants-respondents.

SUVIR SEHGAL, J. (ORAL)**CM-20176-CII-2024**

1. Application is allowed, as prayed for.
2. Reply filed on behalf of respondents No.1 to 3 is taken on record.

Main case

3. By way of instant petition filed under Section 11 (6) of the Arbitration and Conciliation Act, 1996 (for short "the Arbitration Act"), petitioner has approached this Court for appointment of an Arbitrator to adjudicate the dispute between the parties.

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4. Mr. Markanda, learned senior counsel for the petitioner, submits that the petitioner was allotted a road work vide allotment letter dated 21.01.2016, Annexure P-2. He submits that Clause 3 of the General Conditions of the Contract, Annexure P-1, contains a provision for resolution of disputes through the medium of arbitration. By making a reference to communication dated 23.09.2020, Annexure P-20, he submits that the petitioner has exhausted the pre-reference mechanism as provided in the Arbitration Act. He submits that on invocation of the Arbitration Clause, in terms of Section 6 of the Punjab Infrastructure (Development and Regulation) Act, 2002, Sh. Manmohan Singh, the then Chairman of the Punjab Infrastructure Regulatory Authority (PIRA) was appointed as the Arbitrator and the arbitral proceedings before him were concluded and the orders were reserved. He submits that in the meantime, the Chairman retired and the arbitral award was not pronounced. He submits that by letters, Annexures P-26 to P-28, petitioner requested the Chairman, PIRA to announce the award. Reference has also been made by the learned senior counsel to the memorandum dated 05.02.2024 to submit that the Department of Finance, Government of Punjab has issued instructions to the effect that as the posts of PIRA are vacant, all the pending applications for appointment of Arbitrators should be left to the decision of the High Court.

5. Upon notice by this Court, response has been filed by the respondents. Ms. Amrita Garg, AAG, Punjab is not in a position to dispute the factual position, though she submits that some of the claims raised by the petitioner before the Dispute Review Expert were accepted. She has

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specific instructions from Mr. Sanjeev Kumar, SDE, PWD (B&R), Rupnagar to state that Sh. Manmohan Singh, Chief Engineer-cum-Engineer in Chief (Retd.), Government of Punjab, who was the Arbitrator, be appointed to conclude the arbitral proceedings.

6. In view of the above, prayer made in the petition is accepted. Sh. Manmohan Singh, Chief Engineer-cum-Engineer in Chief (Retd.), former Member of Punjab Infrastructure Regulatory Authority (PIRA), resident of #74, Ward No. 07, Gurudwara Road, Kharar, District Mohali Punjab - 140301, Mobile No. 9876700454, is nominated as an Arbitrator to adjudicate the dispute between the parties, subject to declaration to be made by him under Section 12 of the Act with regard to his independence and impartiality to adjudicate the dispute.

7. Parties are directed to appear before the Arbitrator on 12.12.2024, at 11:00 A.M., at the address mentioned above or at any other place, time or day to be fixed by the learned Arbitrator.

8. Fee shall be paid to the Arbitrator in accordance with the Fourth Schedule of the Arbitration Act, as amended.

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

10. Parties will be at liberty to raise all the claims, counter claims, defences, pleas etc. before the Arbitrator.

11. Needless to mention that all the questions arising between them in this matter will remain open for determination in the arbitral proceedings and any observation made hereinabove will not be binding on the learned



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Arbitrator.

12. A copy of this order be sent to the nominated Arbitrator.

(SUVIR SEHGAL)
JUDGE

12.11.2024

Kamal

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No