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

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Date of Decision: 23.08.2024

M/s Antarctica Construction Company

...Applicant

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: - Mr. R.K. Girdhar, Advocate for the applicant

Mr. Raman Sharma, Additional Advocate General, Haryana

JAGMOHAN BANSAL, J. (Oral)

1. Through instant application under Sections 11(5) & 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 work vide allotment letter dated 05.12.2013 (Annexure A/1). There is an arbitration clause in General Conditions of Contract (Annexure A/2) issued along with aforesaid letter. The allotment of work, arbitration clause in the General Conditions of Contract and service of notice under Section 21 of 1996 Act is not disputed.

3. Learned counsel for the applicant submits that the applicant is ready to make deposit of 2% of claimed amount as directed by respondent vide communication dated 09.02.2024. The said communication is based upon

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Clause 25.1 of the Conditions of Contract. He further submits that said amount would be deposited within 15 days from today.

4. 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.

5. Mr. Anil Kumar Aggarwal, Additional Director Prosecution, Haryana and Legal Remembrancer, H.S.V.P., Retd., residing at House No.536-C, Sector 6-MDC, Panchkula- 134109, Mobile No.9888492885 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.

6. Parties are directed to appear before the learned Arbitrator on date, time and place to be fixed by the Arbitrator at his convenience.

7. The Arbitrator shall be paid fee in accordance with the Fourth Schedule of the Act, as amended.

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

9. 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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10. A request letter along with copy of this order be sent to Mr. Anil Kumar Aggarwal.

(JAGMOHAN BANSAL)
JUDGE

23.08.2024

Mohit Kumar

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