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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(252)

ARB-9-2022

Date of decision:- 18.03.2024

MEC Electric Contracts Pvt. Ltd.

... Petitioner

Versus

M/s Ravi Construction Pvt. Ltd.

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Onkar Rai, Advocate for the petitioner.

Mr. S.K.Panwar, Advocate for the respondent.

SUVIR SEHGAL, J. (ORAL)

1. By way of instant petition filed under Section 11 of the Arbitration and Conciliation Act, 1996 (for short “the Act”), petitioner has approached this Court for appointment of a sole Arbitrator.
2. Upon notice, petition has been contested by the respondent by filing a response, wherein two fold objections have been taken. Firstly, the respondent has submitted that the claim is time barred. Stand of the respondent says that the final bill was prepared on 01.10.2013 and the Arbitration Clause has been invoked by serving a legal notice dated 20.01.2020, Annexure P-7.
3. On the other hand, counsel for the petitioner submits that on 24.03.2017, an amount of Rs.1 lac was paid by the respondent, in cash, which has been adjusted in the ledger, Annexure P-6.

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4. Be that as it may, facts show that there is a dispute between the parties. Whether the amount has actually been paid as claimed by the petitioner, is a matter, which would be gone into by the Arbitrator.
5. The second objection of the respondent is that the petitioner has clubbed two different claims. This aspect will also be gone into by the Arbitrator.
6. In view of the above, prayer made in the petition is accepted.
7. At this stage, counsel representing the parties have submitted that although the venue of arbitration as per the Arbitration Clause has been fixed at Khanna in Punjab, but an Arbitrator in the National Capital Region (NCR) be appointed.
8. Their request is accepted.
9. Mr. Justice Ajay Tewari (Retd.), # R-8, Third Floor, Green Park Extension, New Delhi, Mobile No. 9780008141 is requested to act as the sole Arbitrator to adjudicate the dispute between the parties, subject to compliance of statutory requirements.
10. Parties are directed to appear before the learned Arbitrator on date, time and place to be fixed by him at his convenience.
11. A request letter alongwith a copy of the order be sent to Mr. Justice Ajay Tewari (Retd.).

18.03.2024
Kamal

(SUVIR SEHGAL)
JUDGE

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