



ARB-456-2024

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

107

ARB-456-2024

Date of Decision: 18.09.2024

M/s Oberoi Construction Corporation

...Applicant

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: - Mr. Jagdeep Singh Rana, Advocate for the applicant

Mr. Aman Dhir, 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 a tender, the applicant being a successful bidder, was allotted work by the respondent vide allotment letter dated 18.08.2021 (Annexure P-2). A dispute arose between the parties. There is an arbitration clause in the tender document. The allotment of work, arbitration clause in the tender document and service of notice under Section 21 of 1996 Act is not disputed.

3. Mr. Aman Dhir, Deputy Advocate General, Punjab submits that as per his instructions, the disputed amount is less than ₹5 Lakhs whereas the applicant is claiming that it is more than ₹1 Crore.

4. This Court is not supposed to adjudicate the question of amount involved in the litigation.

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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. Ms. Justice Navita Singh, Retired Judge of this Court, residing at Flat No.309, 9th Floor, Jaishree Towers, Swastik Vihar, Mansa Devi Complex, Sector 5, Panchkula, Mobile No.8558809911 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 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.

11. A request letter along with copy of this order be sent to Ms. Justice Navita Singh.

(JAGMOHAN BANSAL)
JUDGE

18.09.2024*Mohit Kumar*

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