



ARB-467-2024

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

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ARB-467-2024

Date of Decision: 17.12.2024

M/s Oberoi Construction Corporation

...Applicant

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: - Mr. P.S. Rana, 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. The applicant was allotted work vide letter dated 02.12.2016. A dispute erupted between the parties. There is an arbitration clause in Special Conditions of Contract. The allotment of work, arbitration clause in Special Conditions of Contract and service of notice under Section 21 of 1996 Act is not disputed.

3. Reply by way of affidavit of Manvinder Pal Singh, Executive Engineer, Water Supply and Sanitation Department, Division Malout is taken on record. Registry is directed to tag the same at an appropriate place.

4. Learned State submits that there is delay on the part of applicant, thus, claim of the applicant is barred by limitation.

5. This Court does not find claim of the applicant *prima facie* to be a deadwood and the matter needs to be adjudicated by the Arbitrator.

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6. 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.

7. Mr. Anil Kumar Aggarwal, Retired Additional Director Prosecution, Haryana and Legal Remembrancer, H.S.V.P., 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.

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

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

10. The Arbitrator is requested to complete the proceedings as per time limit specified under Section 29-A of the 1996 Act.

11. 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.

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

(JAGMOHAN BANSAL)
JUDGE

17.12.2024*Mohit Kumar*

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