



ARB-468-2024 (O&M)

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

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ARB-468-2024 (O&M)

Date of Decision: 16.12.2024

M/s Delhi Engineering and Construction and Co.

...Applicant

Versus

Union of India and another

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: - Ms. Manju Goyal, Advocate and
Mr. Pankaj Goyal, Advocate for the applicant

Mr. Vinish Singla, Senior Panel Counsel
for Union of India-respondents

JAGMOHAN BANSAL, J. (Oral)

1. Through instant application under Section 11(6) of the Arbitration and Conciliation Act, 1996 (for short '**1996 Act**'), the applicants are seeking appointment of an Arbitrator.

2. Pursuant to tender, the bid of the applicant was accepted vide acceptance letter dated 16.01.2007 (Annexure A-3). Thereafter, work order dated 31.01.2007 (Annexure A-4) was issued to the applicant by the respondent. A dispute erupted between the parties. There is an arbitration clause in the tender document. The allotment of work, arbitration clause in tender document and service of notice under Section 21 of 1996 Act is not disputed.

3. Reply filed by the respondents is taken on record. Registry is directed to tag the same at an appropriate place.



4. Learned counsel for the respondents submits that there is delay on the part of applicant is approaching this Court and Arbitral Tribunal should be appointed from the panel curated by respondents especially when the applicant has given its consent under Section 12(5) of 1996 Act.

5. It is settled proposition of law that Arbitral Tribunal should be independent, impartial and the parties must have confidence. The respondent wants appointment of its retired official. No technical issue is involved, thus, I find it appropriate to appoint a judiciously trained mind instead of a technocrat.

6. Considering the aforesaid facts and circumstances, I hereby appoint a sole Arbitrator to adjudicate the dispute between the parties.

7. Ms. Gurvinder Kaur, Additional District & Sessions Judge (Retd.), residing at House No. 2806, Sector -61, SAS Nagar, Mohali-160059 Mobile No.8397920888 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 her 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. Pending application(s), if any, shall stand disposed of.
13. A request letter along with copy of this order be sent to Ms. Gurvinder Kaur.

(JAGMOHAN BANSAL)
JUDGE

16.12.2024
Mohit Kumar

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