



ARB-470-2024 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

283

ARB-470-2024 (O&M)

Date of Decision: 19.11.2024

M/s Ved Parkash Sharma, Contractor

...Applicant

Versus

State of Punjab, Department of PWD (B&R) and others ...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: - Mr. Anil Sharma, Advocate for the applicant

Mr. Gurpartap Singh Bhullar,
Assistant 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 tender, the applicant was allotted work vide allotment letter dated 06.12.2021 (Annexure A-2) by the respondent. Thereafter, a contract agreement was executed between the parties. A dispute erupted between the parties. There is an arbitration clause in the General Conditions of Contract. The allotment of work, execution of agreement, arbitration clause in General Conditions of Contract and service of notice under Section 21 of 1996 Act is not disputed.

3. Learned State counsel submits that he leaves it to this Court to make appointment of an independent Arbitrator.

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. Justice Harminder Singh Madaan, Retired Judge of this Court, residing at House No. 499, The Foot Hills, IAS/PCS Officers Society, New Chandigarh 140901, Mobile No. 8558809915 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 1996 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.
10.

Pending application(s), if any, shall stand disposed of.
11.

A request letter along with copy of this order be sent to Mr. Justice Harminder Singh Madaan.

(JAGMOHAN BANSAL)
JUDGE

19.11.2024
Mohit Kumar

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