



ARB-490-2024

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

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Date of Decision: 01.10.2024

The Oasis Contractor and Consultants Private Limited**...Applicant**

Versus

Executive Engineer, Water Supply and Sewerage Division and others**...Respondents****CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL**

Present: - Mr. Dheeraj Mahajan, 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 was allotted work by the respondent vide allotment letter dated 14.09.2016 (Annexure P-1). A dispute erupted 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. Learned counsel for the applicant submits that as per communication dated 23.08.2024, the respondent had proposed three names

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and vide communication dated 18.09.2024 has appointed serving Superintending Engineer as Arbitrator which is contrary to the communication dated 23.08.2024 as well as Section 12(5) of the 1996 Act.

4. Learned State counsel, who on advance notice is present in Court, submits that this Court may appoint anyone out of the three persons named in communication dated 23.08.2024.

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. Mr. Justice Kuldip Singh, Retired Judge of this Court, residing at House No. 50, Judges and Officers Enclave, Sector 77, S.A.S. Nagar, Mohali, Mobile No.8558809914 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 1996 Act.



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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 Mr. Justice Kuldeep Singh.

(JAGMOHAN BANSAL)
JUDGE

01.10.2024

Mohit Kumar

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