



ARB-461-2023 (O&M)

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

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ARB-461-2023 (O&M)
Date of Decision: 05.12.2024

M/s Sudhir Power Projects Limited

...Applicant

Versus

Haryana State Industrial and Infrastructure Development Corporation

...Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: - Ms. Divya Sharma, Advocate for the applicant
(*through video conferencing*)
Mr. Prateek Mahajan, Advocate,
Mr. Kunal Soni, Advocate and
Mr. Mayank Vashishth, Advocate for the respondent

JAGMOHAN BANSAL, J. (Oral)

1. Through instant application under Section 11 of the Arbitration and Conciliation Act, 1996 (for short '**1996 Act**'), the applicant is seeking appointment of an Arbitrator.
2. The parties entered into agreement dated 09.01.2014 (Annexure P/2). A dispute erupted between the parties. There is an arbitration clause in special conditions of contract. The execution of agreement, arbitration clause in special conditions of contract and service of notice under Section 21 of 1996 Act is not disputed.
3. Learned counsel for the respondent submits that that he leaves it to this Court to make appointment of an independent Arbitrator. He further



submits that as per arbitration clause, the applicant has to make pre-deposit of 5% of the claimed amount.

4. The applicant, on being confronted with the said clause, submits that pre-deposit would be made within eight weeks from today.

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 Virender Singh, Chief Justice (Retd.) Jharkhand High Court, residing at House No.233, Sector 11-A, Chandigarh, Mobile No.09431115601 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 her 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.

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.



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11. Pending application(s), if any, shall stand disposed of.
12. A request letter along with copy of this order be sent to Mr. Justice Virender Singh.

(JAGMOHAN BANSAL)
JUDGE

05.12.2024
Mohit Kumar

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