



ARB-499-2024

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

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ARB-499-2024

Date of Decision: 20.11.2024

Gurinder Singh, Contractor

...Applicant

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: - Mr. Nikhil Handu, 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. Pursuant to tender, the bid of the applicant was accepted by the respondent vide acceptance letter dated 15.04.2015 (Annexure P-2). 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. Short reply by way of affidavit dated 18.11.2024 filed by the respondents is taken on record. Registry is directed to tag the same at an appropriate place.

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4. Learned State counsel submits that entire payment has already been made, thus, nothing is due to the applicant still he is seeking appointment of Arbitral Tribunal.

He further submits that vigilance inquiry is pending against the applicant as well as officials of the respondent-department. If this Court makes appointment of Arbitral Tribunal, it may be asked to examine this aspect.

5. The applicant primarily is claiming interest on the delayed payment. The question of liability of interest cannot be adjudicated by this Court and needs to be adjudicated by the Arbitral Tribunal.

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. Ms. Justice Ritu Bahri, Chief Justice (Retd.) Uttarakhand High Court, residing at House No.464, I.A.S./P.C.S. Officers Society, Mullanpur, New Chandigarh, District S.A.S. Nagar Mohali, Mobile No.7837049200 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.

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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 including question of pendency of vigilance inquiry against the applicant and officials of respondent-department 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 Ms. Justice Ritu Bahri.

(JAGMOHAN BANSAL)
JUDGE

20.11.2024*Mohit Kumar*

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