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

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Date of Decision: 04.12.2024

M/s Malwa and Co.

...Applicant

Versus

Punjab Water Supply & Sewerage Board and Others

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: - Ms. Deepali Verma, Advocate for the applicant
Ms. Anusha Sharma, Advocate
for Mr. Sarthak Gupta, Advocate for respondent Nos.1 to 3

JAGMOHAN BANSAL, J. (Oral)

1. This Court vide order dated 17.03.2021, appointed Mr. Justice Rakesh Kumar Jain, Retired Judge of this Court, as Sole Arbitrator to adjudicate the dispute between the parties.

2. By letter dated 30.04.2023, Mr. Justice Rakesh Kumar Jain informed the parties that he has been appointed as Judicial Member in National Company Law Appellate Tribunal (for short 'NCLAT'), New Delhi, thus, he cannot act as an Arbitrator. He asked the parties to take further recourse to continue with the arbitration proceedings.



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3. Concededly, by this Court Justice Rakesh Kumar Jain was appointed as Sole Arbitrator. There is no dispute between the parties that there is arbitration agreement and on the basis of said agreement this Court vide order dated 17.03.2021 made appointment of an Arbitrator. The Arbitrator was appointed in 2021 and a period of 3 years has elapsed still proceedings before Arbitrator has not commenced. It is frustrating the object of alternative mode of resolution of disputes.

4. Without going into the technicalities, this Court finds it appropriate to make appointment of another Sole Arbitrator. Accordingly, application is allowed and Ms. Justice Jaishree Thakur, Retired Judge of this Court, residing at House No. 36, Sector 8-A, Chandigarh, Mobile No.9814125236 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.

5. Parties are directed to appear before the learned Arbitrator on date, time and place to be fixed by the Arbitrator at her convenience.

6. The Arbitrator shall be paid fee in accordance with the Fourth Schedule of the Act, as amended.

7. 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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8. 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.

9. A request letter along with copy of this order be sent to Ms. Justice Jaishree Thakur.

(JAGMOHAN BANSAL)
JUDGE

04.12.2024
Mohit Kumar

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