



ARB-518-2023 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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ARB-518-2023 (O&M)
Date of Decision:02.08.2024

Oasis Projects Limited

... Petitioner

Vs

State of Punjab and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Rohan Markanda, Advocate
Ms. Vartika Johri, Advocate for the petitioner.

Mr. Anil Bansal, DAG, Punjab

SUVIR SEHGAL, J. (ORAL)

1. On 05.07.2024, this Court passed the following order:-

“The petitioner has filed the present application under Section 11(6) of the Arbitration and Conciliation Act, 1996 for appointment of an independent Arbitrator. The project in question is stated to be for construction of both side approaches and service roads including electrical works of road under Bridge (RUB) on level crossing No. 24-B on Sirhind Nangal Dam-Amb Andaura



Section in Morinda Town on Chandigarh-Ludhiana Road having contract value of Rs. 12,57,00,000/-. Clause 25 of the Conditions of Contract provides for appointment of an arbitrator as per the agreement entered into between the parties.

2. *As per the reply filed by the respondent-State of Punjab, the petitioner is required to submit the dispute before the Chairperson of Punjab Infrastructure (Development and Regulation) Act, 2002 for adjudication. Learned State counsel submits that constitution of the same is not complete and therefore, reliance has been placed upon the communication dated 05.02.2024 of the State that in principle it has been decided that the decisions for appointment of arbitrators in cases pending before this Court should be left to the discretion of this Court.*

3. *Keeping in view the above, let declaration as required under Section 12(5) of the Act of 1996 be sought from Ms. Justice Sabina, a former Judge of this Court, for adjudication of the disputes between the parties.*

4. *List again on 02.08.2024.”*

2. Pursuant to the above order, declaration dated 16.07.2024 has been received from Justice (Retd.) Sabina, which is taken on record.



3. In view thereof, order dated 05.07.2024 is made absolute.
4. Parties are directed to appear before the learned Arbitrator on date, time and place to be fixed by the Arbitrator at her convenience.
5. Needless to mention, parties will 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.
6. A request letter along with a copy of this order be sent to Mrs. Justice Sabina (Retd.).

02.08.2024
pooja saini

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No