



ARB-544-2024

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

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ARB-544-2024

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. R.K. Girdhar, Advocate for the applicant

Mr. Ramandeep Singh, Senior Deputy Advocate General, Punjab

JAGMOHAN BANSAL, J. (Oral)

1. Through instant application under Section read with Section 12 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 21.12.2016 (Annexure A/2). A dispute erupted between the parties. Thereafter, an agreement dated 22.12.2016 (Annexure A/3) was also executed between the parties. There is an arbitration clause in General Conditions of Contract. The allotment of work, execution of agreement, arbitration clause in General Conditions of Contract and service of notice under Section 21 of 1996 Act is not disputed.

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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.

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.

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. Mrs. Justice Ritu Tagore, Retired Judge of this Court, residing at House No.3410, Sector 24-D, Chandigarh, Mobile No.9996171012 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.

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

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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 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 Mrs. Justice Ritu Tagore.

(JAGMOHAN BANSAL)
JUDGE

20.11.2024*Mohit Kumar*

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