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

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ARB-536-2023 (O&M)
Date of Decision: 02.12.2024

M/s York Builders Private Limited

...Applicant

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: - Mr. Mrigank Sharma, 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. The applicant was allotted work vide allotment letter dated 30.12.2015 (Annexure P-2) by the respondent. A dispute erupted between the parties. There is an arbitration clause in General Clauses of Contract. The allotment of work, arbitration clause in General Clauses of Contract and service of notice under Section 21 of 1996 Act is not disputed.



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3. 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.

4. 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.

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. Amarjit Singh Katari, Retired Additional District & Sessions Judge, residing at House No.145, Phase 3B-1, Sector 60, S.A.S. Nagar Mohali,- 1660099, Mobile No.9814112041 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 his 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.

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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.

11. Pending application(s), if any, shall stand disposed of.

12. A request letter along with copy of this order be sent to Mr. Amarjit Singh Katari.

(JAGMOHAN BANSAL)
JUDGE

02.12.2024*Mohit Kumar*

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