



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

CWP-31521-2024(O&M)
Date of decision: 28.11.2024

M/s NDPS Computers Pvt. Ltd. and another	...	Petitioners
Versus		
State of Punjab and others	...	Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI
HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. Rajiv Kataria, Advocate, and
Ms. Neelam Choudhary, Advocate,
for the petitioners.

Mr. Gurminder Singh, Advocate General, Punjab, with
Mr. Vipin Pal Yadav, Addl. AG, Punjab.

Mr. Ajay Pal Singh, Advocate,
for respondents No.2 & 3.

...

ARUN PALLI, J. (Oral)

This Court had passed a detailed order on November 26, 2024, for, vide communication dated April 9, 2021 (P-16), the sole Arbitrator, who was in *seisin* of the arbitral proceedings, had notified the petitioners that the next date fixed in the matter was April 26, 2021. But, since then, they were not informed of any further dates. As a result, the petitioners remained oblivious of the fate of their claim. In these circumstances, we requested Principal Secretary, Department of Governance Reform, Government of Punjab (respondent No.4) to be present in person, before we proceed further in the matter.

Accordingly, learned Advocate General, Punjab, along with respondent No.4 is present in Court. Who, informed the Court that the matter could not be proceeded owing to an amendment caused in Section 12(5) of the Arbitration and Reconciliation Act, 1996, read with Schedule 7 Clause V. However, it is submitted that whatever be the circumstances, the authorities could exercise its power under the proviso to Section 12(5) to continue with the arbitral proceedings. Further, it is urged that, since the present incumbent

has joined a week before, every possible endeavour shall be made to resolve the dispute at the earliest, to which the department has no objection.

Learned counsel for the petitioners is agreeable to the course suggested by learned Advocate General, Punjab and expresses consent to allow the Principal Secretary, Department of Governance Reform, Government of Punjab (respondent No.4), to arbitrate the pending dispute between the parties.

That being so, learned Advocate General, Punjab submits that, to avert any further delay, it would be expedient if the petitioners join the proceedings on December 2, 2024 @ 11:00 am. To this, learned counsel for the petitioners willingly agrees.

In the wake of the position sketched out above, as also the statements made by learned counsel for the parties, the petition stands disposed of.

(Arun Palli)
Judge

(Vikram Aggarwal)
Judge

28.11.2024
Rajan

Whether speaking / reasoned:	YES/NO
Whether Reportable:	YES/NO