



ARB-592-2024

-1-

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

280

ARB-592-2024

Date of Decision: 09.12.2024

M/s Gurinder Singh, Contractor

...Applicant

Versus

The 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 11 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 letter dated 09.03.2016 (Annexure A/2). Thereafter, an agreement dated 11.03.2016 (Annexure A/3) was executed between the parties. A dispute erupted between the parties. There is an arbitration clause in the General Conditions of Contract. The allotment of work, execution of agreement, arbitration clause in the General Conditions of Contract and service of notice under Section 21 of 1996 Act is not disputed.

3. Short reply by way of affidavit dated 09.12.2024 of Vishav Pal Goyal, Executive Engineer, Kandi Canal Stage II Division, Hoshiarpur WRD, Punjab on behalf of the respondents is taken on record. Registry is

directed to tag the same at an appropriate place.

**ARB-592-2024****-2-**

4. Learned State counsel, pointing out para 12 of the reply, submits that claim of the applicant is barred by limitation. The applicant was bound to file his claim within three years. He further points out that an FIR has been registered with respect to the contract in question.

5. From the date of making last payment, it *prima facie* cannot be concluded that claim of the applicant is dead wood.

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. Mr. Justice Rajiv Sharma, Former Judge of this Court, residing at House No.505 (Backside First Floor), Sector 36-B, Chandigarh 160036, Mobile No. 9816700002 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 his convenience.

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

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 including effect of FIR before the Arbitrator. Any observation made hereinabove will not be binding on the



ARB-592-2024

-3-

12. A request letter along with copy of this order be sent to Mr. Justice Rajiv Sharma.

(JAGMOHAN BANSAL)
JUDGE

09.12.2024
Mohit Kumar

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