



ARB-569-2023

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

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Date of decision: 13.11.2024

M/S ACCURATE CONCRETE WORKS**....APPLICANT****Vs.****CHIEF ENGINEER BF, CENTRAL PUNJAB PUBLIC WORKS****DEPARTMENT AND OTHERS****...RESPONDENTS****CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL**

Present: Mr. Dheeraj Mahajan, Advocate
for the applicant.

Mr. Vijay Pal, Senior Panel Counsel
for the respondents-UOI.

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. Pursuant to tender, the applicant was allotted work vide letter dated 01.02.2023 (Annexure P-1) by the respondent. A dispute erupted between the parties. There is an arbitration clause in General Conditions of Contract. The allotment of work, arbitration clause in the General Conditions of Contract and service of notice under Section 21 of 1996 Act is not disputed.
3. Mr. Vijay Pal, Senior Panel Counsel submits that applicant is seeking appointment of an Arbitrator without approaching Conciliator.



4. Mr. Dheeraj Mahajan, Advocate submits that as per Clause 25.1 of the Agreement, it is not necessary to approach Conciliator prior to seeking appointment of an Arbitrator.

5. In view of Clause 25.1 of Arbitration Agreement, the applicant is not bound to approach Conciliation Officer prior to seeking appointment of Arbitrator, thus, stand of respondent is not maintainable.

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. Inderjit Mehta, District & Sessions Judge (retd.), residing at House No.112, Sector 24, Chandigarh, Mobile No.9416577277 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 before the Arbitrator. Any observation made hereinabove will not be binding on the learned Arbitrator.



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12. A request letter along with copy of this order be sent to Mr. Inderjit Mehta, District & Sessions Judge (retd.).

13.11.2024
manoj

[JAGMOHAN BANSAL]
JUDGE

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