



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

286

ARB-28-2024

Date of decision: 20.02.2025

**M/S KHARA CONTRACTORS THROUGH ITS PARTNER SH. MANJIT
SINGH KHARA** **....APPLICANT**

Vs.

PUNJAB PWD B & R BRANCH THROUGH ITS CHIEF ENGINEER
...RESPONDENT

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. R.C. Sharma, Advocate
for the applicant.

Mr. Ramandeep Singh, Senior DAG, 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 parties entered into agreement. A dispute erupted between the parties. There is an arbitration clause in the aforesaid agreement. The execution of agreement, arbitration clause in the agreement and service of notice under Section 21 of 1996 Act is not disputed.
3. Mr. Ramandeep Singh, Senior DAG, Punjab submits that applicant did not commence work, thus, he has no claim against the respondent. This is a mis-conceived application.
4. There is no dispute with respect to execution of agreement and arbitration clause therein. The applicant has raised claim against the respondent.

The disputed questions need to be adjudicated by the Arbitrator.



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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. Sudesh Kumar Verma, Former Superintending Engineer, residing at H. No. 12-F, Shere Punjab Colony, Barewal Road, Ludhiana Mobile No. 97790-84127 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.
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. A request letter along with copy of this order be sent to Mr. Sudesh Kumar Verma.

20.02.2025
manoj

[JAGMOHAN BANSAL]
JUDGE

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