

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

268

ARB-75-2024

Date of Decision: 27.02.2025

Oasis Projects Limited

...Applicant

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: - Mr. Nikhil Handu, Advocate and
Mr. Amit Gupta, 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 by the respondent vide allotment letter dated 24.11.2021 (Annexure P-3). A dispute erupted between the parties. The applicant served notice upon the respondent seeking resolution of dispute through Arbitral Tribunal but to no avail.

3. The existence of arbitration clause in the contract/agreement and service of notice invoking arbitration clause is not disputed.

4. Learned State counsel submits that the applicant by submitting undertaking dated 31.05.2023 waived its right to raise any dispute against the respondent.

5. The applicant is claiming that undertaking was coerced and was submitted under unavoidable circumstances. The applicant at the first

available opportunity raised the dispute.

6. The issue raised by respondent needs to be answered by the Arbitral Tribunal.
7. 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.
8. Mr. Justice Harminder Singh Madaan, Former Judge of this Court, residing at House No. 499, The Foot Hills, IAS/PCS Officers Society, New Chandigarh 140901, Mobile No. 8558809915 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.
9. Parties are directed to appear before the learned Arbitrator on date, time and place to be fixed by the Arbitrator at his convenience.
10. The Arbitrator shall be paid fee in accordance with the Fourth Schedule of the 1996 Act, as amended.
11. The Arbitrator is requested to complete the proceedings as per time limit specified under Section 29-A of the 1996 Act.
12. 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.
13. A request letter along with copy of this order be sent to Mr. Justice Harminder Singh Madaan.

(JAGMOHAN BANSAL)
JUDGE

27.02.2025
Mohit Kumar

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