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

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Date of Decision: 23.01.2025

M/s Tilak Rai Contractor

...Applicant

Versus

**Haryana State Co-operative Labour and Construction Federation
Limited and others**

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: - Mr. Parvez Chugh, Advocate for the applicant

Mr. Hitesh Pandit, Advocate for the respondents

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 bid of the applicant was accepted by the respondent vide acceptance letter dated 20.09.2007 (Annexure P-3). Thereafter, an agreement was executed. A dispute erupted between the parties. There is an arbitration clause in the Conditions of Contract. The allotment of work, arbitration clause in Conditions of Contract and service of notice under Section 21 of 1996 Act is not disputed.

3. Learned counsel for the respondents submits that due to lack of proper assistance, order dated 03.02.2017 came to be passed by this Court. Undisputedly, the applicant had submitted letter dated April, 2011 (Annexure R-2) averring that there was no arbitration agreement.



4. By order dated 03.02.2017, this Court disposed of application under Section 11(6) of 1996 Act. The State counsel had made a statement before the Court that Arbitrator would be appointed within 30 days. The applicant complied with the condition of pre-deposit, however, the respondents did not comply with the statement made before this Court. The respondents filed review application seeking review of order dated 03.02.2017. The review application was dismissed vide order dated 15.11.2022. In this backdrop, this Court cannot deny request of applicant to make appointment of Arbitral Tribunal.

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. Manmohan Singh, Retired Chief Engineer-cum-Engineer-in-Chief, Department of Local Government and Former Member, Punjab Infrastructure Regulatory Authority, residing at House No.74, Ward No.07, Gurdwara Road, Kharar, District Mohali- 140301, Mobile No.9876700454 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

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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. Manmohan Singh.

(JAGMOHAN BANSAL)
JUDGE

23.01.2025*Mohit Kumar*

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