

ARB-452-2024 & ARB-453-2024 -1-

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

289 (2 Cases)

ARB-452-2024

Date of Decision: 28.01.2025

M/s Dinesh Construction Company

...Applicant

Versus

Department of Cultural Affairs, Archaeological and Museums

...Respondent

And

ARB-453-2024

M/s Dinesh Construction Company

...Applicant

Versus

Department of Cultural Affairs, Archaeological and Museums

...Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: - Ms. Rashika Bansal, Advocate
for Mr. Dheeraj Mahajan, Advocate for the applicant
Mr. Ramandeep Singh,
Senior Deputy Advocate General, Punjab

JAGMOHAN BANSAL, J. (Oral)

1. As common issues are involved in the captioned petitions, with the consent of both sides, the same are hereby disposed of by this common order. For the sake of brevity and convenience, facts are borrowed from *ARB-452-2024*.

2. Through instant application under Section 11(6) of the Arbitration and Conciliation Act, 1996 (for short '**1996 Act**'), the applicant

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3. Pursuant to tender, the applicant was allotted work by the respondent vide work order dated 05.12.2014. Thereafter, a Contract Agreement dated 18.02.2015 (Annexure P-1) was executed between the parties. A dispute erupted between the parties. There is an arbitration clause in Conditions of Contract. The allotment of work, execution of Contract Agreement, arbitration clause in the Conditions of Contract and service of notice is not disputed.

4. Learned State counsel expressed his inability to controvert existence of arbitration clause in the Conditions of Contract. He leaves it to this Court to make appointment of an independent Arbitrator.

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. Jatinder Kumar Khurana, Retired Chief Engineer (Contracts) Military Engineer Services, residing at House No.395, Sector 4, Panchkula, Haryana- 134112, Mobile No.7085051111 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 her convenience.

8. The Arbitrator shall be paid fee in accordance with the Fourth Schedule of the 1996 Act, as amended.

9. The Arbitrator is requested to complete the proceedings as per

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. Jatinder Kumar Khurana.

(JAGMOHAN BANSAL)
JUDGE

28.01.2025
Mohit Kumar

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