



ARB-492-2024

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

277

ARB-492-2024

Date of Decision: 20.05.2025

M/s Dharminder Kumar Engineers and Contractors**...Applicant**

Versus

State of Punjab and others**...Respondents****CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL**

Present: - Mr. R.K. Girdhar, Advocate
Ms. Kashakdeep Kaur, Advocate and
Ms. Kirandeep Kaur, Advocate for the applicant
Mr. Chanchal K. Singla, Additional Advocate General, Punjab

JAGMOHAN BANSAL, J. (Oral)

1. Through instant application under Section 11 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 by respondent vide letter dated 26.03.2021 (Annexure A-1). Thereafter, an agreement dated 07.04.2021 (Annexure A-3) was executed between the parties. 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. Reply by way of affidavit dated 17.05.2025 of Er. Ishan Kaushal, Executive Engineer, Water Supply and Sanitation Division,



Fatehgarh Sahib filed on behalf of respondent Nos. 1 to 5 is taken on record. Registry is directed to tag the same at an appropriate place.

4. Learned State counsel submits that there was lapse on the part of the applicant, thus, it is not entitled to the claimed amount. The applicant has further not followed the prescribed procedure. It was required to first approach the department.

5. Learned counsel for the applicant pointed out that the applicant had approached the authorities and left with no other option, invoked the arbitration clause.

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. Manu Loona, Advocate, residing at House No.212, Sector 15, Panchkula, Mobile No.9803100065 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. The parties at the first instance will appear before the Arbitrator on 04.06.2025 at 10.00 A.M. and thereafter, as directed by learned Arbitrator.

9. The Arbitrator shall be paid fee in accordance with the Fourth Schedule of the 1996 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.

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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.

12. A request letter along with copy of this order be sent to Mr. Manu Loona.

(JAGMOHAN BANSAL)
JUDGE

20.05.2025*Mohit Kumar*

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