



ARB-593-2024

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

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ARB-593-2024

Date of Decision: 29.01.2025

M/s Jasbir Industries

...Applicant

Versus

The Chief Executive Officer and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: - Mr. R.K. Girdhar, Advocate for the applicant

Mr. Sanjeev Soni, Advocate and

Mr. Sarthak Soni, Advocate for the respondents

JAGMOHAN BANSAL, J. (Oral)

1. Through instant application under Section 11 read with Section 12 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 the respondent vide letter dated 24.06.2022 (Annexure A/2). A dispute erupted between the parties. There is an arbitration clause in General Conditions of Contract. The allotment of work, arbitration clause in General Conditions of Contract and service of notice under Section 21 of 1996 Act is not disputed.
3. Reply by way of affidavit dated 26.01.2025 filed by Mr. Jugal Kishor, Executive Engineer, Punjab Water Supply and Sewerage Board, Division Ropar on behalf of the respondents is taken on record. Registry is directed to tag the same at an appropriate place.



4. Learned counsel for the respondents submits that during the pendency of instant application, the respondent, as per agreement, has appointed an Arbitrator.

5. In view of law laid down by Supreme Court, the respondents cannot make appointment of its Officer as an Arbitrator despite specific clause in the agreement unless and until there is consent of other side.

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. Balraj Singh, Advocate, residing at House No.342, Sector 25, Panchkula, Mobile No.9417419358 & 9467086675 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. Parties are directed to appear before the learned Arbitrator on date, time and place to be fixed by the Arbitrator at his convenience.

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.

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. Balraj Singh, Advocate.

(JAGMOHAN BANSAL)
JUDGE

29.01.2025
Mohit Kumar

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