

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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ARB No. 116 of 2019 (O&M)

Date of Decision: 14.11.2022

M/S SEERVI CONSTRUCTION CORPORATION

.....Petitioner

Vs

THE ABSOLUTE COOPERATIVE GROUP HOUSING
SOCIETY LTD. AND ORS

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr.J.S.Rana, Advocate
for the petitioner.

Mr.Neeraj Yadav, Advocate
for the respondents.

RAJ MOHAN SINGH, J.(Oral)

The present petition has been filed under Section 11 of the Arbitration and Conciliation Act, 1996 (for short "the Act") for appointment of an Arbitrator.

The petitioner has tentatively fixed its claim to the tune of Rs.3,22,61,137/- under different heads. It is not in dispute that the petitioner was allotted the work assignments and he started with the work. According to the petitioner, after undertaking the work assignment, its assignment was

abruptly discontinued and a fresh contractor was appointed. The petitioner has already drawn its final bill to the extent of work done. Existence of contract agreement with arbitration clause is not in dispute.

Learned counsel for the respondents has objected to the claim of the petitioner only on the ground that the work assignment was got completed from different contractors owing to failure on behalf of the petitioner to complete the work. The extent of work done by the petitioner shall remain in dispute.

In view of the stand taken by the respondents, I find that there is a dispute existing between the parties as regard the extent of work done and entitlement of the petitioner in that context. The petitioner has already invoked the arbitration clause.

In view of aforesaid, I hereby appoint Hon'ble Mr. Justice Jitendra Chauhan (Retd.), House No. 1501, Sector 36-D, Chandigarh (mobile: 9780008142 & 01724647322) as the sole Arbitrator, to resolve the dispute/difference between the parties. The claim of the petitioner shall, however, be subject to final adjudication of the arbitrator.

The appointment of the Arbitrator shall be subject to the declaration to be made by him as required under Section 12 of Arbitration and Conciliation Act, 1996 in respect of his independence and impartiality to settle the dispute between the parties.

The Arbitrator would complete the proceedings within the specified time in terms of Section 29-A of the said Act. The Arbitrator shall be paid fee in accordance with the IVth Schedule of the Act as amended from time to time. The fee shall be equally shared by the parties.

The venue of the Arbitration proceedings shall be the place to be disclosed by the Arbitrator as per his convenience.

A copy of this order be dispatched to the Arbitrator at the following address:-

Mr. Justice Jitendra Chauhan (Retd.), House No. 1501, Sector 36-D, Chandigarh (mobile: 9780008142 & 01724647322).

**(RAJ MOHAN SINGH)
JUDGE**

14.11.2022

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whether speaking/non speaking	yes/no
whether reportable/non reportable	yes/no