

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

2024.PHHC.148354



**ARB No. 322 of 2024**

**Date of Decision: 13.11.2024**

**Anil Kumar Dahiya, Contractor**

**....Applicant**

vs.

**Gurugram Municipal Corporation, Gurugram and others**

**....Respondents**

**CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL**

Present: Mr. Gaurav Arora, Advocate  
for the applicant

Mr. Prateek Mahajan, Advocate  
for the respondents

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**JAGMOHAN BANSAL, J. (ORAL)**

1. Through instant application under Section 11(6,7,8) of the Arbitration and Conciliation Act, 1996 (for short '1996 Act'), the applicant is seeking appointment of an Arbitrator.

2. Reply filed on behalf of respondents is taken on record. Registry is directed to tag the same at appropriate place.

3. Pursuant to tender, the applicant was allotted work vide letter dated 25.10.2019 (Annexure P-1) by the respondents. A dispute erupted between the parties. There is an arbitration clause in Conditions of Contract. The allotment of work, arbitration clause in the Conditions of contract



and service of notice under Section 21 of 1996 Act is not disputed.

4. Learned counsel for the respondents submits that he leaves it to this Court to make appointment of an independent Arbitrator. He further submits that as per arbitration clause, the applicant has to make pre-deposit of 7.5% of the claimed amount.

5. The applicant, on being confronted with the said clause, submits that pre-deposit would be made within eight weeks from today.

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. Dr. Shiva Sharma, District and Sessions Judge (Retd.) residing at H.No. 195, Sector-56, (HUDA), Gurugram-122011, Haryana, Mobile Nos.9560520062 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 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 Dr. Shiva Sharma.

**(JAGMOHAN BANSAL)**  
**JUDGE**

**13.11.2024**  
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|----------------------------|-----|----|
| Whether speaking/reasoned: | Yes |    |
| Whether reportable:        |     | No |