

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

ARB-303-2023

Date of decision:-02.05.2024

M/s JB Infrastructure

...Petitioner

Versus

Chief Engineer, Incharge of Construction Circle, Bathinda and others

...Respondents

CORAM : HON'BLE MR. JUSTICE SUVIR SEHGAL

Present : Ms.Supriya Garg, Advocate and
Ms.Neha Sharma, Advocate
for the petitioner.

Mr.Anil Bansal, DAG, Punjab.

SUVIR SEHGAL, J.(ORAL)

1. By way of instant petition filed under Section 11(6) of the Arbitration and Conciliation Act, 1996 (for short "the Act"), petitioner has approached this Court for appointment of sole Arbitrator to adjudicate the dispute between the parties.

2. Counsel for the petitioner submits that the petitioner was awarded work for repair of a road vide allotment letter dated 17.04.2020,

Annexure P2. She submits that general conditions of contract, which were part of the contract contained a provision for reference of dispute for resolution to an arbitrator. She submits that a dispute arose between the parties as some payments were withheld and the petitioner initially raised a dispute before the Engineer Incharge of the work before invoking the arbitration clause vide letter dated 25.01.2023, Annexure P16, which has remained unresponded.

3. On notice, State has not filed any reply. Upon instructions from Sh.Harpreet Sagav, Executive Engineer, PWD B & R, Bathinda, State counsel submits that the respondents do not have any objection in case a sole Arbitrator is appointed to determine the dispute between the parties.

4. In view of the above, petition is allowed. Mr. Justice (Retd.) R.P. Nagrath, a former Judge of this Court, r/o House no.162, Sector 123 New Sunny Enclave, Kharar, Mohali, M: 85588-09901 is requested to act as an Arbitrator to adjudicate the dispute between the parties, subject to compliance of statutory requirements.

5. Parties are directed to appear before the learned Arbitrator on the date, time and place to be fixed and communicated by the learned Arbitrator at his convenience.

6. Parties will be at liberty to raise all the pleas/defences before the Arbitrator.

7. Needless to mention that all the questions arising between the parties in this matter will remain open for determination in the arbitration proceedings, and any observation made hereinabove will not be binding on the learned Arbitrator.

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8. A request letter be sent to Mr. Justice (Retd.) R.P. Nagrath
alongwith a copy of this order.

9. Pending application, if any, stands disposed of.

(SUVIR SEHGAL)
JUDGE

02.05.2024

Brij

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No