



(206)

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

ARB-306-2017 (O&M)

Date of decision : 17.05.2024

M/s V.K. Sood Engineer and Contractor, Panchkula

.....Petitioner

Versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE G.S. SANDHAWALIA, ACTING CHIEF JUSTICE

Present: Mr. Vivek Gupta, Advocate, (through video conferencing)
for the petitioner.

Mr. Salil Sabhlok, Senior DAG, Punjab.

G.S. SANDHAWALIA, ACTING CHIEF JUSTICE (Oral)

1. The present petition has been filed under Section 11 (6) of the Arbitration and Conciliation Act, 1996 (in short 'the Act'), praying for appointment of an Arbitrator.

2. As per clause 25 (Annexure P-1) of the agreement dated 29.12.2005, all the disputes or differences arising between the parties have to be referred to Arbitration Committee consisting of three members and third Arbitrator has to act as the Chairman of the Committee. The arbitration clause as such reads as under :-

“(v) All disputes or differences in respect of which decision is not final and conclusive, shall at the request of either party made in a communication sent through



registered post be referred to ARBITRATION COMMITTEE which will consist of Three Members, one arbitrator Superintending Engineer of the concerned circle in which the project is going on; One arbitrator representative of the contractor and third arbitrator will act as the chairman of the committee but not as empire will be Joint Secretary of Punjab Roads and Bridge Development Board. The decision of the majority of the arbitrator shall be the final and binding on the parties, all awards shall be in writing & such awards shall state reasons for the amounts awarded same as aforesaid and/or otherwise provided in the contractor. The arbitration shall be conducted in accordance with the provisions of the Indian Arbitration Act, 1996 or any statutory modification or enactment thereof and shall be held at such place and time in India as the committee of Arbitrators may determine.”

3. Vide order dated 05.01.2024, the name of Shri Sham Sunder Bansal, Additional Director General, MES, Ministry of Defence, was proposed for appointment of Arbitrator on technical side, and Mr. Sanjeev Sharma, Senior Advocate, was proposed to be appointed as member of the Arbitration Committee. Both of them were to nominate the third Arbitrator and thereafter decide the dispute with regard to payment of interest etc. as prayed in the petition.

4. Necessary declarations as required under Section 12 (5) of the Act have been received from both the proposed Arbitrators.

5. In such circumstances, the order dated 05.01.2024 is confirmed. The above named persons as such are appointed as Arbitrators, who will



further nominate third Arbitrator. Learned counsels for both the parties have jointly submitted that the third Arbitrator should be a Judicial Officer, which shall be taken into account by the Arbitrators.

6. Resultantly, the petition is disposed of.

(G.S. SANDHAWALIA)
ACTING CHIEF JUSTICE

May 17, 2024
ndj

Whether speaking/reasoned	Yes
Whether reportable	No