



ARB-232-2024

-1-

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

264

ARB-232-2024

Date of Decision: 12.12.2024

M/s Harjinder Singh Government Contractor

...Applicant

Versus

Chief Engineer, Punjab Mandi Board and another

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: - Mr. Nimish Gautam, Advocate
for Mr. Dheeraj Mahajan, Advocate for the applicant
Mr. Sarthak Soni, Advocate and
Mr. Sanjeev Soni, Advocate for the respondents

JAGMOHAN BANSAL, J. (Oral)

1. Through instant application under Section 11(6) 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 allotment letter dated 12.07.2019 (Annexure P-1). A dispute erupted between the parties. There is an arbitration clause in the tender document. The allotment of work, arbitration clause in the tender document and service of notice under Section 21 of 1996 Act is not disputed.
3. Learned counsel for the respondents submits that claim of applicant is barred by limitation.
4. The question raised by the respondent needs to be answered by Arbitral Tribunal. This Court cannot express opinion on the issues raised by the respondents especially when the claim of the applicant does not seem to be a deadwood.



ARB-232-2024

-2-

5. 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.

6. Sh. Jasvir Singh Kang, Retd. Additional District and Sessions Judge, residing at House No.72, Street No.4, Guru Gobind Singh Nagar, Near Prithvi Planet, Jalandhar- 144003, Mobile No.9815402125, 8558830018 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.

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

8. The Arbitrator shall be paid fee in accordance with the Fourth Schedule of the Act, as amended.

9. The Arbitrator is requested to complete the proceedings as per time limit specified under Section 29-A of the 1996 Act.

10. 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.

11. A request letter along with copy of this order be sent to Sh. Jasvir Singh Kang.

(JAGMOHAN BANSAL)
JUDGE

12.12.2024

Mohit Kumar

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