

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

Date of decision: 20th February, 2023

(1) Arbitration Case No. 237 of 2022

M/s Paving Stone India Pvt. Ltd.

Petitioner

Versus

Municipal Corporation, Amritsar & another

Respondents

(2) Arbitration Case No. 238 of 2022

M/s Paving Stone India Pvt. Ltd.

Petitioner

Versus

Municipal Corporation, Amritsar & another

Respondents

(3) Arbitration Case No. 240 of 2022

M/s Paving Stone India Pvt. Ltd.

Petitioner

Versus

Municipal Corporation, Amritsar & another

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Dheeraj Mahajan, Advocate for the petitioner(s).
Mr. Sanjeev Soni, Advocate for the respondents.

AVNEESH JHINGAN, J (Oral):

This order shall dispose of above-mentioned three petitions, as the parties are common and similar relief is sought.

For the sake of convenience, facts are being taken from Arbitration Case No. 237 of 2022.

This is a petition under Section 11 of the Arbitration and Conciliation Act, 1996 (for short, 'the Act') for appointment of an arbitrator for adjudication of disputes between the parties.

The petitioner was allotted tender for development and reconditioning of street in various Abadies of Ward No. 62, Phase I. Clause 26 of the general terms and conditions provides for pre-arbitration mechanism and dispute resolution through arbitration.

The petitioner served notice under Section 21 of the Act on 29.2.2020. The needful having not been done, the present petition was filed.

Learned counsel for the respondents submits that issue of time-barred claim be kept open.

Learned counsel for the parties agree to the appointment of Mr. Amarjit Singh Katari, Addl. District & Sessions Judge (Retd.) as sole arbitrator.

Accordingly, the present petitions are disposed of by appointing Mr. Amarjit Singh Katari, Addl. District & Sessions Judge (Retd.), H. No. 145, Phase 3B-I, Sector 60, Mohali as the sole arbitrator subject to declaration to be made by him under Section 12 of the Act with regard to independence and impartiality to settle the dispute between the parties.

Needless to say that the respondents would be at liberty to

raise the objections before the arbitrator.

The arbitrator shall be paid fee in accordance with the Fourth Schedule of the Act, as amended. The fee of the arbitrator will be equally borne by both the parties.

The arbitrator is requested to complete the proceedings as per time limit specified under Section 29A of the Act.

It is clarified that the reference shall be subject to the petitioner's complying with all the requirements of the agreement including the condition of pre-deposit.

Since the main cases have been disposed of, pending applications, if any, stand disposed of.

Copy of the order be sent to the appointed arbitrator.

Photocopy of the order be placed on the file of connected case.

**[AVNEESH JHINGAN]
JUDGE**

20th February, 2023.

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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |