

Arbitration Case No. 426 of 2022

[1]

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

Arbitration Case No. 426 of 2022
Date of decision: 6th January, 2023

M/s Shanti Flats and Foundation Pvt. Ltd.

Petitioner

Versus

The Subhashni Co-op. Group Housing Society

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Sukhsharan Sra, Advocate for
Mr. Abhilaksh Grover, Advocate for the petitioner.

AVNEESH JHINGAN, J (Oral):

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.

Vide agreement dated 1.5.2019, the petitioner was awarded work for construction of flats in Subhashni Co-op. Group Housing Society. Dispute arose between the parties.

Clause 18 of the agreement is reproduced below:

“18. All disputes or differences relating to the specifications designs, drawings and as to quality of workmanship or material used in the work or as to any other question arising out of or relating to the contract, design, drawings, specifications, orders or otherwise in connection with the agreement or the carrying out of the works, whether during the progress of the work or after the completion of abandonment thereof shall be referred to the sole arbitration of arbitrator, appointed by both parties. The parties would cooperate and lead evidence, etc. with the arbitrator and if one of the parties does not cooperate or remains absent at the

reference, the arbitrator would be at liberty to proceed with the reference ex-parte. The fees and the other arbitration expenses of the arbitrator appointed by the parties shall be borne equally by the parties. The arbitrators shall make their award, with reasons for the decision, within one month from the date of entering upon the reference. The award of the arbitrator, as the case may be, shall be final, conclusive and binding on the parties and shall not be challenged on any ground except collusion, fraud or an error apparent on the face of the award. The provision of the Indian Arbitration and Reconciliation Act for the time being in force shall apply to any such reference.”

Reply filed on behalf of the respondent is taken on record. Mr. Amit Kumar appears on behalf of the respondent. He relies upon the proceedings dated 25.12.2022 authorizing him to appear before this Court on behalf of the respondent.

The respondent has not raised any objection for opposing the direction for appointment of the arbitrator.

The petition is accordingly disposed of by appointing Mr. M. S. Viridi, District & Sessions Judge (Retd.), House No. 1061, Sector 4, Panchkula as the sole arbitrator. The arbitrator shall be paid fee in accordance with the Fourth Schedule of the Act, as amended or as may be mutually settled by the parties and the arbitrator. The fee of the arbitrator will be equally borne by both the parties.

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.

Copy of the order be sent to the appointed arbitrator.

**[AVNEESH JHINGAN]
JUDGE**

6th January, 2023
mk

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