

Arbitration Case No. 177 of 2019

[1]

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

Arbitration Case No. 177 of 2019

Date of decision: 20.1.2023.

G. Eng. Advisory Services Pvt. Ltd.

Petitioner

Versus

Municipal Corporation of Faridabad

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. G. S. Sidhu, Advocate for the petitioner.
Mr. Deepak Balyan, Advocate for the respondent.

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.

The petitioner was allotted work for design of sewer lines/storm water drains in New Colony of Ward No. 20 and 21, Faridabad.

Clause 25A of the general terms and conditions provides for dispute resolution through arbitration.

There was dispute between the parties. The petitioner gave notice dated 6.12.2018 for appointment of the arbitrator. On failure to do the needful, the present petition was filed.

Learned counsel for the parties agree that Mr. K. C. Sharma, District & Sessions Judge, (Retd.) be appointed as arbitrator.

The petition is accordingly disposed of by appointing Mr. K. C. Sharma, District & Sessions Judge (Retd.), BB-2, VILLA-3, Ground Floor, VIP Floors, Sector 81, Faridabad as the sole arbitrator subject to declaration to be made by him under Section 12 of the Act with regard to his independence and impartiality to settle the dispute between

the parties.

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.

Copy of the order be sent to the appointed arbitrator.

**[AVNEESH JHINGAN]
JUDGE**

20th January, 2023.

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