

Arbitration Case No. 11 of 2021

[1]

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

Arbitration Case No. 11 of 2021

Date of decision: 1st February, 2023

M/s Hardev Singh and Co.

Petitioner

Versus

State of Punjab and others

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. R. K. Girdhar, Advocate for the petitioner.
Mr. Rajesh Mehta, Addl. AG, Punjab.

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 tender for Augmentation Safe Drinking Water Supply for village Channu, Block, Lambi, District Shri Muktsar Sahib. Clause 25.3 of the general terms and conditions provides for pre-arbitral mechanism and dispute resolution through arbitration. Clause 25.3(d) provides that arbitration proceedings shall be held at Faridkot.

There was a dispute between the parties.

The petitioner raised a claim vide notice dated 18.6.2016. Thereafter, notice under Section 21 of the Act was issued on 16.11.2020. On failure to do the needful, the present petition was filed.

Reply filed on behalf of the respondents is taken on record.

Learned counsel for the respondents submits that full and final payment was made and the claim is time barred.

Learned counsel for the petitioner submits that the petitioner was pursuing its remedy by filing writ petition and the contempt petition.

The factual aspects need to be looked into while considering the issue of time barred claim. The same can be decided by the arbitrator.

Learned counsel for the parties agree that venue of the arbitration proceedings be kept at Chandigarh.

Accordingly, the present petition is accordingly disposed of by appointing Ms. Harsimrat Rai, Advocate, # 401, GH-9, Sector 20, Panchkula as the sole arbitrator subject to declaration to be made by her 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 case has been disposed of, pending applications, if any, stand disposed of.

Copy of the order be sent to the appointed arbitrator.

[AVNEESH JHINGAN]
JUDGE

1st February, 2023
mk

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