

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

Sr. No.248

ARB-38-2020

Date of decision: 12.03.2020

M/s Varinder Pal Singh & Co. Engineers & BuildersApplicant

versus

Union of India and othersRespondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. P.S. Rana, Advocate
for the applicant.

Mr. Kushagra Mahajan, Advocate
for the respondents.

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DEEPAK SIBAL, J. (Oral)

The present application has been filed under Section 11 of the Arbitration and Conciliation Act, 1996 (for short – the Act) for appointment of an Arbitrator.

Admittedly, through an agreement between the parties the respondents allotted to the applicant the work of widening and strengthening of existing main ring road inside TBRL Range-Ramgarh and that as per clause 70 of such agreement disputes between the parties were to be settled through the mode of Arbitration.

Disputes having arisen between the parties, the applicant wrote to the respondents seeking their resolution but to no avail. Through letter dated 08.06.2018, the applicant invoked the arbitration clause in reply to

which the respondents sought consent of the applicant to appoint a serving officer of the respondents to which the applicant agreed but in spite of the same the respondents did not appoint an Arbitrator occasioning the filing of the present application for the aforesaid relief.

After hearing learned counsel for the parties and leaving them to raise all claims/defences/counter claims before the Arbitrator, Justice R.P. Nagrath, a former Judge of this Court, is appointed as the sole Arbitrator. However, such appointment would be subject to the declaration to be made by Justice R.P. Nagrath under Section 12 of the Act with regard to his independence and impartiality to settle the disputes between the parties.

The Arbitrator is requested to complete the proceedings within the time limit specified under Section 29A of the Act.

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.

As per agreement expressed by learned counsel for the parties, for the sake of the convenience of their respective clients, the venue of the Arbitration shall be at Chandigarh.

A copy of the order be forwarded to Justice R.P. Nagrath (Retd.) at the given address:

H.No.162,
Sector-123,
New Sunny Enclave,
Kharar,
District SAS Nagar, Mohali
(Mob. No.85588-09901)

After seeking the convenience of the Arbitrator, the parties are directed to appear before him on 27.03.2020 or on any other date suitable to

all concerned.

The matter is disposed of in the above terms.

March 12, 2020
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(DEEPAK SIBAL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No