

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

ARB-499-2023 (O&M)
Date of Decision:-6.12.2023

M/s Tarunjit Singh Walia ... Petitioner

Versus

Union of India and another ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Deep Inder Singh Walia, Advocate for the petitioner.

GURVINDER SINGH GILL, J.

1. The petitioner seeks appointment of an Arbitrator in terms of provisions of Section 11 of the Arbitration and Conciliation Act, 1996.
2. Notice of motion.
3. Shri Shivoy Dhir, Senior Standing Counsel for the respondent UOI, upon whom a copy of the petition has been served in advance accepts notice.
4. As per case of the petitioner, a contract for development of real estate for Railways Department was awarded to the petitioner, being the lowest bidder in the e-tender proceedings conducted by respondents. It is not in dispute that the agreement entered into amongst the parties provided for resolution of

disputes through arbitration. The petitioner initially served notice dated 28.4.2023 (Annexure P-7) for clearance of his outstanding bills. Subsequently, after waiting for more than 120 days, a notice dated 31.8.2023 (Annexure P-8) invoking arbitration in terms of Clause 64(1) of the General Conditions of Contract, 2020 in connection with agreement dated 28.1.2022 was served upon the respondent – Senior Divisional Engineer-I, Northern Railway, Amabala Cantt. Haryana, but to no avail leading to filing of the instant petition.

5. Having regard to the fact that the factum of agreement amongst the parties is not disputed and the copies of requisite notices have been placed on record, the existing petition merits acceptance and is hereby accepted.
6. This Court deems appropriate that a sole Arbitrator be appointed for resolution of disputes arising out of the agreement entered into amongst the parties. The petition as such is accepted. Accordingly, Shri Anil Kumar Singh Panwar, District & Sessions Judge (Retd.), Haryana, is appointed as the sole Arbitrator. However, such appointment would be subject to the declaration to be made by Shri Anil Kumar Singh Panwar, District & Sessions Judge (Retd.), Haryana under Section 12 of the Act with regard to his independence and impartiality to settle the disputes between the parties.
7. 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.
8. The Arbitrator may conduct proceedings at any place convenient to all concerned.

9. After seeking convenience of the Arbitrator, the parties are directed to appear before him on 22.12.2023 at 11:00 A.M. or any other date suitable to all concerned.
10. A copy of this order be sent to the appointed Arbitrator at the given address :
- H. No.508, Sector 6,
Panchkula, Haryana.
Phone No.96711-22666.
11. The petition is accordingly disposed of in the above mentioned terms.

6.12.2023

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**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No