

IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

Date of decision: 17<sup>th</sup> April, 2023

(1) Arbitration Case No. 233 of 2022 (O&M)

M/s Tirupati Cement Products

Petitioner

Versus

Office of Executive Engineer, HSVP Division No. VI, Gurugram

Respondent

(2) Arbitration Case No. 235 of 2022 (O&M)

M/s Tirupati Cement Products

Petitioner

Versus

Office of Executive Engineer, HSVP Division No. VI, Gurugram

Respondent

**CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN**

Present: Mr. S. K. Bishnoi, Advocate for the petitioner.  
Mr. Arvind Seth, Advocate for the respondent.

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**AVNEESH JHINGAN, J (Oral):**

1. This order shall dispose of the above mentioned two petitions as the parties and issues involved therein are common.
2. However, for the sake of convenience, facts are being taken from Arb-233 of 2022.
3. This petition under Section 11 of the Arbitration and Conciliation Act, 1996 is filed for appointment of an arbitrator.
4. The brief facts are that the petitioner was allotted tender for construction of UGT Boosting Chamber, laying of Rising Main, Boundary

wall, Staff Quarter and Development of water works at Sohna-Nuh road site opposite Sector 10 and providing and installing centrifugal type vertical split casting pumps for zone No. 1 and 3 on same Boosting Station for improvement of Water Supply system and all other works contingent thereto. Clause 25(A) of the general terms and conditions provides for appeal to the concerned Superintending Engineer and in case the contractor is not satisfied with the decision of appeal, he can go for arbitration.

5. Learned counsel for the respondent raises a preliminary issue that the petitioner has not availed the remedy under the mechanism provided under Section 25(A) of the general terms and conditions of the tender.

6. Learned counsel for the petitioner is not pressing the petition at this stage with liberty to avail remedies under Section 25(A) of the general terms and conditions of the tender.

7. The petitions are dismissed as not pressed with liberty as prayed for.

8. Since the main petitions have been dismissed, pending application(s), if any, is rendered infructuous.

9. Photocopy of the order be placed on the file of connected case.

**[AVNEESH JHINGAN]**  
**JUDGE**

**17<sup>th</sup> April, 2023**

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