



ARB-570-2023

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

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Date of Decision: 10.09.2024

M/s Sharma Contractor Private Limited

...Applicant

Versus

**Executive Engineer, Central Works Division No.2, PWD B&R, Amritsar
and another**

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: - Mr. Dheeraj Mahajan, Advocate for the applicant
(*through video conferencing*)

Mr. Ramandeep Singh, Senior Deputy Advocate General, Punjab

JAGMOHAN BANSAL, J. (Oral)

1. Through instant application under Section 11(6) of the Arbitration and Conciliation Act, 1996 (for short '**1996 Act**'), the applicant is seeking appointment of an Arbitrator.

2. Pursuant to a tender, the applicant was allotted work by the respondent vide letter dated 25.06.2019 (Annexure P-1). Thereafter, an agreement was executed between the parties. There is an arbitration clause in the tender document. The allotment of work, execution of agreement, arbitration clause in the tender document and service of notice under Section 21 of 1996 Act is not disputed.

3. Learned counsel for the parties are *ad idem* that by order dated 05.04.2024 in **Arbitration Case No.348 of 2021, M/s Sharma Contractor Pvt.**



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Ltd. v. The Executive Engineer, Central Works Division No.2, PWD B&R, Amritsar and another, this Court has appointed Smt. Sunita Sharma, Retired District & Sessions Judge as a Sole Arbitrator to adjudicate the dispute between the parties. The present matter may also be referred to the said Arbitrator.

4. Conditions to invoke power conferred by Section 11(6) of 1996 Act stand satisfied, thus, I hereby appoint a sole Arbitrator to adjudicate the dispute between the parties.

5. Smt. Sunita Sharma, Retired District & Sessions Judge is hereby appointed as a Sole Arbitrator to adjudicate the dispute between the parties, subject to compliance of statutory requirements. The learned Arbitrator is requested to comply with mandate of Section 12 of 1996 Act before proceeding further.

6. Parties are directed to appear before the learned Arbitrator on date, time and place to be fixed by the Arbitrator at his convenience.

7. The Arbitrator shall be paid fee in accordance with the Fourth Schedule of the Act, as amended.

8. The Arbitrator is requested to complete the proceedings as per time limit specified under Section 29-A of the Act.

9. Needless to mention, parties would be at liberty to raise all the claims/defences/counter claims/pleas before the Arbitrator. Any observation made hereinabove will not be binding on the learned Arbitrator.

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10. A request letter along with copy of this order be sent to Smt. Sunita Sharma.

(JAGMOHAN BANSAL)
JUDGE

10.09.2024*Mohit Kumar*

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No