

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

CM No.24949-CII of 2019 in/and
ARB No.93 of 2019 (O&M)
Date of Decision: December 13, 2019

M/s S.S. Builders

...Petitioner

Versus

The State of Punjab and others

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. R.K. Girdhar, Advocate
for the petitioner.

Mr. Aayush Sarna, AAG Punjab
for the respondents.

JAISHREE THAKUR, J. (Oral)

CM-24949-CII-2019

1. Reply filed by the respondent-State is taken on record.
2. Application stands disposed of.

ARB-93-2019

1. This is a petition that has been filed under Section 11 of the Arbitration and Conciliation Act, 1996 (for short 'the Act') for the appointment of an Arbitrator.
2. Counsel for the petitioner would contend the work for up-gradation of Patiala Pehowa Road falling under Construction Circle, Patiala-I, PWD (B&R) Punjab was allotted to the petitioner. However, as

the disputes have arisen, the matter is required to be referred to the Arbitrator in terms of clause 25(5) of the agreement executed between the parties.

3. Counsel for the respondent-State would contend that during the pendency of the instant arbitration application, Sh. N.S. Brar, Chief Engineer (retd.) SAS Nagar, Mohali has been appointed as an Arbitrator.

4. Counsel for the petitioner contends that in view of amendment incorporated in sub-section (5) of Section 12 of the Act, the employee of the respondent cannot be appointed as an Arbitrator.

5. In view of the above, an independent Arbitrator is to be appointed to resolve the disputes between the parties.

6. Accordingly, I hereby appoint Mr. Krishan Kumar Goyal, a retired Chief Engineer from UHBVN Ltd., Flat No.306, GHS-91, Sector 20 Panchkula, Haryana, to function as a sole Arbitrator to settle the disputes and differences between the parties. The fee etc. shall be paid as per the Chandigarh Arbitration Centre (CAC) Rules, 2018 and the venue of the arbitration will be Chandigarh Arbitration Centre.

7. The petition stands allowed accordingly.

December 13, 2019

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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No