

Arbitration Case No. 314 of 2019

[1]

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

Arbitration Case No. 314 of 2019

Date of decision: 11th January, 2023

M/s Ram Avtar Gupta

Petitioner

Versus

Deenbandhu Chhotu Ram University of Science and Technology & others

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Sohrab Dhanda, Advocate for the petitioner.
Mr. Chankya Pandit, Advocate for the respondents

AVNEESH JHINGAN, J (Oral):

This is a petition under Section 11 of the Arbitration and Conciliation Act, 1996 (for short, 'the Act') for appointment of an arbitrator for adjudication of disputes between the parties.

The petitioner entered into a contract on 29.11.2007 with the respondents for construction work. The relevant portion of the contract relied upon is annexed with the petition as Annexure P1. Clause 24 of the contract provides for dispute redressal system. As per clause 24.1, in case of a dispute or difference, at the first instance the matter would be referred for settlement to the competent authority who shall decide the same within 45 days. Clause 24.2 provides an appeal to Empowered Standing Committee against the order of the competent authority. Clause 24.3 gives the composition of Empowered Standing Committee. As per Clause 24.4, the Empowered Standing Committee shall give its decision within 90 days from the date of appeal. As per Clause 24.5, the employer and the contractor if not satisfied with the decision of the Empowered Standing Committee can approach the concerned court under the applicable law.

Clause 25 is reproduced below:

“25. Arbitration

25.1 in view of the provision of the clause 24 on Dispute Redressal System, it is the condition of the contract that there will be no arbitration for the settlement of any dispute between the parties.”

From the reading of Clause 25, it is evident that no arbitration mechanism has been provided for settlement of any dispute.

Learned counsel for the petitioner failed to point out a clause in the contract for seeking appointment of arbitrator.

In view of the above, the petition is dismissed.

Needless to say that the petitioner would be at liberty to avail remedies in accordance with law for redressal of the surviving grievance.

**[AVNEESH JHINGAN]
JUDGE**

11th January, 2023
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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |