

**ARB-390-2024****-1-****IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****281****ARB-390-2024****Decided on 06.11.2024****Saint Soldier Engineers and Contractors Private Limited ...Applicant****Versus****Union of India and others****...Respondents****CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL**

Present: - Mr. P.S. Rana, Advocate for the applicant

Ms. Puneeta Sethi, Senior Panel Counsel for Union of India and
Mr. Yashoodev Singh Thakur, Advocate for the respondents

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 tender, the applicant was allotted work vide letter dated 17.06.2013, by the respondent. Thereafter, work order dated 06.07.2013 (Annexure A-2) was issued to the applicant and a contract agreement was executed between the parties. A dispute erupted between the parties. There is an arbitration clause in the contract agreement. The allotment of work, issuance of work order, execution of agreement, arbitration clause in the agreement and service of notice under Section 21 of 1996 Act is not disputed.

3. Learned counsel for the respondents submits that the applicant has already submitted full and final invoice dated 07.03.2023, thus, the



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applicant, in terms of Clause 65A of the agreement, cannot make further claim.

4. From the perusal of Annexure A-8 i.e. letter of respondent addressed to applicant, it is evident that respondent has agreed to make appointment of an Arbitrator of its choice. This letter precludes the respondent from claiming that full and final payment has already been made.

5. 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.

6. Mr. Justice Amar Nath Jindal, Retired Judge of this Court, residing at House No.12, Sector 15, Panchkula, Haryana, Mobile No.8528300000 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.

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

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

9. The Arbitrator is requested to complete the proceedings as per time limit specified under Section 29-A of the 1996 Act.

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10. 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.

11. A request letter along with copy of this order be sent to Mr. Justice Amar Nath Jindal.

(JAGMOHAN BANSAL)
JUDGE

06.11.2024*Mohit Kumar*

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