

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.

(210)

ARB-163-2020

Date of Decision: February 10, 2021

Sharma and Associatees

.. Petitioner

Versus

State of Punjab and others

.. Respondents

(Through video conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Amit Kumar Gupta, Advocate and
Mr. Nikhil Handu, Advocate, for the petitioner.

Ms. Sunnint Kaur, AAG, Punjab.

Mr. Himmat Singh, Advocate, for
Mr. Tarunveer Singh Lehal, Advocate, for respondent No.3.

HARSIMRAN SINGH SETHI, J.(ORAL)

Reply on behalf of respondent No.3 has been filed in the Court today and the same is taken on record.

Present petition has been filed under Section 11 (6) of the Arbitration and Conciliation Act, 1996, as amended from time to time for appointment of an Arbitrator to adjudicate the disputes between the petitioner and respondent No.3 in respect of the agreement entered into between the parties for construction of Basera Project (Housing), Block-D, Rajpura, Punjab (Annexure P-1).

Learned counsel for the petitioner argues that an agreement was entered between the petitioner as well as Municipal Council Rajpura on 17.12.2015 (Annexure P-1) for execution of the work, which was termed as construction of Basera Project (Housing), Block-D, Rajpura, Punjab. Learned counsel for the petitioner submits that the petitioner has already executed the said work but the payments for which the petitioner is entitled under the said

agreement, has not been released. Learned counsel for the petitioner further submits that as per the agreement in case a dispute arises between the parties of the said contract, the same is to be referred to an Arbitrator.

After notice of motion, a short reply has been filed on behalf of the respondents wherein, the abovesaid averments that the petitioner and respondent No.3 had entered into an agreement for the construction of Basera Project (Housing), Block-D, Rajpura, Punjab (Annexure P-1) and as per clause 24, the dispute between the parties were to be referred to an Arbitrator, have been accepted.

Learned counsel appearing on behalf of the respondents has not objected to the prayer of the petitioner for appointment of an Arbitrator for deciding the dispute between the parties.

Both the parties are agreeable for appointment of Justice Nirmaljit Kaur (Retd.) as an Arbitrator to decide the dispute between the parties.

In view of the above, Justice Nirmaljit Kaur (Retd.) is appointed as Arbitrator to decide the dispute between the parties. Parties are directed to appear before the Arbitrator on 05.03.2021 for filing their respective pleas.

Let a copy of this order be also sent to the learned Arbitrator for information and necessary action.

The present petition is disposed of in above terms.

(HARSIMRAN SINGH SETHI)
JUDGE

February 10, 2021
harsha

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