

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

(Sr. No. 204)

ARB No.271 of 2017

Date of decision : 12.07.2021

M/s Sutlej Constructions Ltd.

.....Applicant

Versus

Municipal Corporation Chandigarh and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL

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

Dr. Anand Kumar Bishnoi, Advocate for the respondents.

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DEEPAK SIBAL, J. (Oral)

The matter has been taken up through video conferencing.

The applicant had filed two similar applications before this Court being ARB-270-2017 and ARB-271-2017. In both these matters appointment of an Arbitrator was sought. In ARB-270-2017, on 29.11.2018, this Court appointed Sh. Shailnder Singh, S.E. (Public Health), M.C., Chandigarh as the sole Arbitrator. However, the present case was adjourned. Sh. Shailnder Singh who was appointed an Arbitrator in ARB-270-2017 refused to act as such and therefore on an application filed by the applicant, this Court, by consent of both the parties, through order dated 05.03.2021, appointed in his place Sh. V.M. Handa, Superintending Engineer (Retd.) as the sole Arbitrator.

Learned counsel for the applicant submits that since the dispute

in the present case is similar to the dispute raised in ARB-270-2017 and in the present case as well through order dated 02.02.2021 the Superintending Engineer, Municipal Corporation, Public Health, Chandigarh has refused to act as Arbitrator, Sh. V.M. Handa be also appointed as an Arbitrator in the present case.

Dr. Anand Kumar Bishnoi, Advocate who appears for the respondents submits that since Sh. V.M. Handa is on the approved panel of Arbitrators of the Municipal Corporation, Chandigarh, he has no objection if he is appointed as the sole Arbitrator in this case, especially when he has already been appointed by consent as an Arbitrator in a similar dispute between the same parties.

In the light of the above, Sh. V.M. Handa is appointed as the sole Arbitrator. However, such appointment would be subject to the declaration to be made by Sh. V.M. Handa under Section 12 of the Arbitration and Conciliation Act, 1996 (for short – the Act) with regard to his independence and impartiality to settle the disputes between the parties.

The Arbitrator is requested to complete the proceedings within the time limit specified under Section 29A of the Act.

The Arbitrator shall be paid fee in accordance with the Fourth Schedule of the Act, as amended or as may be mutually settled by the parties and the Arbitrator.

As per agreement expressed by learned counsel for the parties, for the sake of the convenience of their respective clients as also of the Arbitrator, the venue of the Arbitration shall be at Chandigarh Arbitration Centre, Chandigarh or at any other place convenient to all concerned.

A copy of the order be forwarded to Shri V.M. Handa,
Superintending Engineer (Retd.) at the given address :

House No. 416,
Sector 6 Panchkula,
Haryana.

After seeking the convenience of the Arbitrator, the parties are
directed to appear before him on 23.07.2021 or on any other date suitable to
all concerned.

The matter is disposed of in the above terms.

12.07.2021
sunil yadav

(DEEPAK SIBAL)
JUDGE

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No