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

ARB No.70 of 2020(O&M)

Date of Decision: 30.08.2022

M/s Good House Keeping (Regd.)
Versus

-Petitioner

Secretary Medical Education and Research, Chandigarh and
others

-Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Paramvir Singh Doon, Advocate for
Mr. Abhishek K. Premi, Advocate
for the petitioner.

Mr. Arav Gupta, Advocate and
Mr. Nishant Jindal, Advocate
for the respondents.

RAJ MOHAN SINGH, J. (Oral)

Petitioner has preferred this petition under Section 11(6) of the Arbitration and Conciliation Act, 1996 read with Section 12(1)(b) and Fifth Schedule of Arbitration and Conciliation (Amendment) Act, 2015 for appointment of any Independent Arbitrator to adjudicate the dispute arising out of contract agreement for providing paramedical, technical, general, house keeping and sanitation services allotted to the petitioner.

The service agreement was executed between the

petitioner and respondent-Department on 31.07.2014. The aforesaid agreement provides for dispute resolution in Clause 33 of the Agreement.

According to the aforesaid Clause 33, if any, dispute is not settled amicably, the same shall be referred to the sole Arbitrator i.e. Secretary, Medical Education and Research, Chandigarh Administration.

Petitioner has already invoked the arbitration clause by legal notice dated 20.08.2019.

In view of amended provision in terms of Section 12 of the Act, Officer of the Department cannot be appointed as sole Arbitrator and discretion lies with this Court to appoint independent sole Arbitrator in his place.

Despite invoking arbitration clause, no action has been taken by the respondent. The respondent has taken a stand that the claim projected by the petitioner is unsustainable. The amount in dispute has not been specified. The factum of contract agreement containing arbitration clause is not in dispute.

Keeping in view the facts and circumstances of the case, this petition is allowed and Sh. Laxman Sharma, District & Sessions Judge (Retd.), Flat No.C-57, Kendriya Vihar-II, Sector-25, Panchkula is appointed as the sole Arbitrator to resolve the

dispute/difference between the parties. The appointment is subject to declaration to be made by the Arbitrator under Section 12 of the Act with regard to his independence and impartiality to settle the disputes between the parties. The Arbitrator to complete the proceedings within the time limit specified under Section 29-A of the Act. The Arbitrator shall be paid fee in accordance with the Fourth Schedule of the Act, as amended from time to time to be borne equally by the parties.

A copy of this order be dispatched to Sh. Laxman Sharma, District & Sessions Judge (Retd.), at the following address:-

Flat No.C-57, Kendriya Vihar-II, Sector-25,
Panchkula.

30.08.2022
Prince

(RAJ MOHAN SINGH)
JUDGE

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