

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

**Arbitration Case No. 516 of 2021(O&M)
Date of decision: 17th January, 2023**

M/s Shiv Ji Single and sons

Petitioner

Versus

State of Haryana and others

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Dheeraj Mahajan, Advocate for the petitioner.
Mr. Prateek Mahajan, 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 was allotted tender vide order dated 11.7.2016 for construction and widening of CC Road from Rania Road Patel Chowk to Rani Chungi or Shiv Chowk.

Clause 10 of the general terms and conditions provides for dispute resolution through arbitration. The same is reproduced below:

“10. In case of any dispute the Administrator/E.O., Municipal Council, Sirsa will be the sole arbitrator and his orders will be final.”

There was dispute between the parties.

The petitioner gave notice dated 19.8.2021 which was not responded. Thereafter notice for appointment of arbitrator was issued. On failure to do the needful, the present petition was filed.

Learned counsel for the respondents submits that as per the agreement, the arbitration has to take place at Sirsa.

The petition is accordingly disposed of by appointing Mr. Subhash Bhambhu, Chief Engineer (Retd.), H. No. 1456, Sector 16-17, Hisar as the sole arbitrator subject to declaration to be made by him under Section 12 of the Act with regard to his independence and impartiality to settle the dispute between the parties.

The arbitrator shall be paid fee in accordance with the Fourth Schedule of the Act, as amended. The fee of the arbitrator will be equally borne by both the parties.

The arbitrator is requested to complete the proceedings as per time limit specified under Section 29A of the Act.

It is clarified that the reference shall be subject to the petitioner's complying with all the requirements of the agreement including the condition of pre-deposit.

Copy of the order be sent to the appointed arbitrator.

[AVNEESH JHINGAN]
JUDGE

17th January, 2023

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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |