

Arbitration Case No. 586 of 2021 & connected cases [1]

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

Date of decision: 20th February, 2023

(1) Arbitration Case No. 586 of 2021

Rajinder Kumar contractor

Petitioner

Versus

State of Haryana and others

Respondents

(2) Arbitration Case No. 587 of 2021

Shri jagdamba Ji Tubewells

Petitioner

Versus

State of Haryana and others

Respondents

(3) Arbitration Case No. 588 of 2021

Shri Jagdamba Ji Tubewells

Petitioner

Versus

State of Haryana and others

Respondents

(4) Arbitration Case No.594 of 2021

Shri Jagdamba Ji Tubewells

Petitioner

Versus

State of Haryana and others

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Lajpat Sharma, Advocate for the petitioner(s).
Mr. Sharad Aggarwal, AAG, Haryana.

AVNEESH JHINGAN, J (Oral):

This order shall dispose of above-mentioned four petitions, as the parties are common and similar relief is sought.

For the sake of convenience, facts are being taken from Arbitration Case No. 586 of 2021.

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 entered into an agreement for extension of sewer line in the remaining area of Narnaul town. Clause 25A of the general terms and conditions provides for pre-arbitration mechanism and dispute resolution through arbitration.

There was a dispute between the parties.

The petitioner raised claim vide notice dated 27.3.2021. Thereafter notice under Section 21 of the Act was issued on 20.4.2021. The needful having not been done, the present petition was filed.

Learned counsel for the parties agree to the appointment of Mr. M. S. Virdi, District & Sessions Judge (Retd.) as sole arbitrator.

Accordingly, the present petitions are disposed of by appointing Mr. M. S. Virdi, District & Sessions Judge (Retd.), H. No. 1061, Sector 4, Panchkula as the sole arbitrator subject to declaration to be made by him under Section 12 of the Act with regard to independence and impartiality to settle the dispute between the parties.

The arbitrator shall be paid fee in accordance with the Fourth

Arbitration Case No. 586 of 2021 & connected cases [3]

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.

Since the main cases have been disposed of, pending applications, if any, stand disposed of.

Copy of the order be sent to the appointed arbitrator.

Photocopy of the order be placed on the file of connected case.

**[AVNEESH JHINGAN]
JUDGE**

20th February, 2023.

mk

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