

Arbitration Case No. 577 of 2021 and connected case [1]

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

Date of decision: 3rd March, 2023

(1) Arbitration Case No. 577 of 2021 (O&M)

Bhagwan Dass and sons

Petitioners

Versus

Union of India and others

Respondents

(2) Arbitration Case No. 595 of 2021

Bhagwan Dass and sons

Petitioners

Versus

Union of India and others

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. SKS Bedi, Advocate for the petitioners.
Mr. B. S. Kanwar, Advocate for the respondents.

AVNEESH JHINGAN, J (Oral):

This order shall dispose of the above mentioned two petitions as the issue involved therein is common.

For the sake of convenience, the facts are being taken from FAO No. 577 of 2021.

This is a petition under Section 11 of the Arbitration and Conciliation Act, 1996 (for short, 'the 1996 Act') for appointment of an arbitrator for adjudication of disputes between the parties.

The petitioner was allotted tender for repair of building in

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army premises. Clause 70 of the general terms and conditions provided for dispute resolution through arbitration.

There was a dispute between the parties.

The petitioners served notice dated 31.7.2021 under Section 21 of the 1996 Act. The needful having not been done, the present petition was filed.

Learned counsel for the respondent submits that the claim is time barred.

Learned counsel for the petitioner submits that the matter was being pursued and remained under consideration with the respondents.

The issue raised by learned counsel for the respondents can be decided in arbitration proceedings by the arbitrator.

Learned counsel for the parties agree to the appointment of Mr. Sachin Jaiswal, SF, CWE Chandimandir as the sole arbitrator.

Accordingly, the present petitions are disposed of by appointing Mr. Sachin Jaiswal, SF, CWE, Chandimandir as sole arbitrator.

Needless to say that the respondents would be at liberty to raise the issue before the arbitrator.

The arbitrator shall be paid fee in accordance with the Fourth Schedule of the 1996 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 1996 Act.

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

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the condition of pre-deposit.

Since the main case has 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 petition.

**[AVNEESH JHINGAN]
JUDGE**

3rd March, 2023

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