

Arbitration Case No. 170 of 2021

[1]

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

Arbitration Case No. 170 of 2021 (O&M)

Date of decision: 22nd February, 2023

Gulraj Singh Nagi

Petitioner

Versus

The Punjab State Cooperative Supply and Marketing Federation Ltd. &
another

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. P. S. Rana, Advocate for the petitioner.
Ms. Rita Kohli, Senior Advocate with Ms. Vandana Kohli,
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 brief facts are that the petitioner was allotted work for construction of store. Clause 14 of the general terms and conditions of the work order provided for dispute resolution through arbitration.

There was a dispute between the parties.

The petitioner served notice dated 23.10.2020 for appointment of the arbitrator. Thereafter reminder was given on 24.11.2020. The needful having not been done, the present petition was filed.

Learned senior counsel for the respondents submits that according to the respondents, the entire payment was made and no protest was raised at that time. She further submits that the petitioner was asked to give his measurement book which he never supplied.

Non-raising of the dispute at the time of receiving the payment will not estop the petitioner from filing the present petition.

Learned counsel for the petitioner submits that the payment was released by the respondents only after a direction from this court in a writ petition.

From the petition, it is evident that there is dispute between the parties.

Accordingly, the present petition is disposed of by appointing Mr. Ashok Paul Batra, Additional District & Sessions Judge (Retd.), H. No. 171/172, Orbit Apartments, VIP Road, near Metro Mall, Zirakpur as 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 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 case has been disposed of, pending applications, if any, stand disposed of.

Copy of the order be sent to the appointed arbitrator.

**[AVNEESH JHINGAN]
JUDGE**

22nd February, 2023

mk

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