

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

ARB-72-2021 (O&M)
Date of Decision:-15.9.2023

M/s Kiritika Infra ... Petitioner

Versus

Balarka Fabricon Private Limited ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Munish Mittal, Advocate for the petitioner.

Mr. Rahul Kumar Modi, Advocate for the respondent.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking appointment of an Arbitrator in terms of provisions of Section 11 of Arbitration and Conciliation Act, 1996.
2. Learned counsel representing the respondent has today filed reply, which is taken on record. A copy of the same has been furnished to learned counsel representing the petitioner.
3. Admittedly, the parties had entered into an agreement dated 1.8.2018 (Annexure P-1), whereby the petitioner was engaged in the business of different types of building construction activities including warehouse, silo,

SD Building etc. for erection of structure, alignment, Hydra, Labour & tool, painting of structure, fixing of roof sheet, cladding including all roofing accessories and insulation etc.

4. Section - 15 of the agreement dated 1.8.2018 (Annexure P-1) provides for dispute resolution through Arbitration. The section also provides that any dispute related with the agreement/contract shall be subject to Bahadurgarh jurisdiction only.
5. A dispute having arisen, the petitioner served legal notice dated 23.9.2020 (Annexure A-5) seeking invocation of arbitration clause and for appointment of an independent Arbitrator, but to no avail.
6. Having heard learned counsel for the parties and while noticing that Section - 15 of agreement dated 1.8.2018 (Annexure P-1) specifically provides for resolution of disputes through an Arbitrator and requisite notice dated 23.9.2020 (Annexure A-5) has also been issued, the instant petition is hereby accepted.
7. Accordingly, Justice K.C. Puri (Retd.) is appointed as the sole Arbitrator. However, such appointment would be subject to the declaration to be made by Justice K.C. Puri (Retd.) under Section 12 of the Act with regard to his independence and impartiality to settle the disputes between the parties.
8. The Arbitrator shall be paid fee in accordance with the Fourth Schedule of the Act, as amended or as may be mutually settled by the parties and the Arbitrator.
9. As per agreement expressed by learned counsel for the parties, for the sake of the convenience of their respective clients, as also of the Arbitrator, the venue

for the Arbitration shall be at Arbitration Centre, Chandigarh or at any other place convenient to all concerned.

10. After seeking convenience of the Arbitrator, the parties are directed to appear before him on 12.10.2023 at 11:00 A.M. or any other date suitable to all concerned.

11. A copy of this order be sent to the appointed Arbitrator at the given address :

#495, Destate Foothills,

New Punjab Judicial Officers House Building Co-operative Society Limited,

Mullanpur Garib Das (New Chandigarh), Mohali.

Phone No.97800-08132

12. The petition is accordingly disposed of in the above mentioned terms.

15.9.2023

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No