

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

Arbitration Case No. 47 of 2020

Date of decision: 17th May, 2023

M/s Vij Engineers and Consultants Pvt. Ltd.

Petitioner

Versus

Punjab Genco Limited

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Parminder Singh, Advocate for the petitioner.
Mr. Aditya Grover, Advocate for the respondent.

AVNEESH JHINGAN, J (Oral):

1. 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.
2. The petitioner was allotted tender for leasing out Operation & Maintenance of the High Rate Biomethanation Power and CBG Project at Haibowal Dairy Complex, Ludhiana. Clause 5.2 of the general terms and conditions of the contract provides for dispute resolution through arbitration. It also provides that arbitration shall be conducted at Chandigarh.
3. The petitioner served notice dated 29.6.2018 for appointment of arbitrator. On failure to do the needful, the present petition was filed.
4. Learned counsel for the respondent opposes the prayer though is not in a position to dispute the arbitration clause and seeks liberty to raise all the pleas in arbitration proceedings at appropriate stage.
5. Learned counsel for the parties agree to the appointment of Mr. Justice Paramjeet Singh Dhaliwal, former Judge of this Court as sole arbitrator.
6. The petition is accordingly disposed of by appointing

Mr. Justice Paramjeet Singh Dhaliwal, former Judge of this Court, H. No. 2254, Sector 35-C, Chandigarh as the sole arbitrator. The arbitrator is appointed 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.

7. The respondent shall be at liberty to raise all the pleas in arbitration proceedings at appropriate stage.

8. The arbitrator shall be paid fee in accordance with the Fourth Schedule of the Act, as amended.

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

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

11. Copy of the order be sent to the appointed arbitrator.

**[AVNEESH JHINGAN]
JUDGE**

17th May, 2023

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