

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

Arbitration Case No. 428 of 2022
Date of decision: 6th January, 2023

Davinder Kumar contractor

Petitioner

Versus

State of Punjab and others

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Naveen Kumar, Advocate for the petitioner.
Mr. Rajesh Mehta, Addl. AG, Punjab.

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 petitioner was allotted tender for construction of Study Centre established by Government Mohindra College at Village Bhanri, District Patiala.

Disputes resolution mechanism has been provided in clause 25 of the general conditions of contract

The parties have consented that arbitration proceedings be carried out at Chandigarh.

Learned counsel for the State submits that right of the respondent be reserved to raise the issues before the arbitrator including the point of limitation.

The petition is accordingly disposed of by appointing Mr. Justice Rakesh Kumar Garg, a former Judge of this court, H. No. 417, Sector 35, Chandigarh as the sole arbitrator 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.

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.

Copy of the order be sent to the appointed arbitrator.

**[AVNEESH JHINGAN]
JUDGE**

6th January, 2023

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