



ARB-57-2024

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

(254)

ARB-57-2024

Date of decision:- 28.05.2024

Gurtej Singh

... Petitioner

Versus

Punjab State Power Corporation Ltd. and others

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Lajpat Rai Sharma, Advocate
for the petitioner.

Mr. R.P.S.Bara, Advocate
for the respondent No.1.

Mr. Brijesh, AAG, Punjab
for respondents No.2 to 4.

SUVIR SEHGAL, J. (ORAL)

1. By way of instant petition filed under Section 11 (6) of the Arbitration and Conciliation Act, 1996 (for short "the Act"), petitioner has approached this Court for appointment of an Arbitrator to adjudicate the dispute between the parties.

2. Counsel for the petitioner submits that petitioner was allotted a work of "Construction of All Technical Civil Works at 66 KV Sub Station, Maur Kalan", vide allotment letter dated 27.05.2016, Annexure P-1. He submits that a Contract Agreement dated 19.07.2016, Annexure P-2, was entered into between the parties and Clause 3.19, thereof, contains provision

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for settlement of disputes through arbitration. Counsel submits that some disputes arose between the parties and in terms of the Arbitration Clause, petitioner raised claims before the Deputy Chief Engineer vide letter dated 07.04.2022, Annexure P-3. He submits that no response was received to Annexure P-3 and by notice dated 22.06.2022, Annexure P-5, petitioner invoked the Arbitration Clause. He submits that as the respondents failed to appoint an Arbitrator, a petition (ARB-284-2022) was filed before this Court under Section 11 (6) of the Act, but during its pendency, respondents appointed Sh. Suresh Kumar, Chief Engineer (Retired) as an Arbitrator. Counsel submits that the appointed Arbitrator did not enter upon the reference and his term expired, forcing the petitioner to serve another notice dated 22.12.2022, Annexure P-7, invoking the Arbitration Clause. He asserts that the respondents have not sent any response to the said notice.

3. Upon notice by this Court, respondents are represented through counsel. As the counsel for the respondent No.1 is not in a position to dispute the factual position, response from the respondents is not required.

4. In view of the admitted facts, prayer made in the petition deserves to be acceded to.

5. Accordingly, petition is allowed. Sh. Suresh Kumar Monga, Former Member (Judicial), resident of # 0901, N-Block, Wellington Heights, TDI City, Sector 117, Mohali Mobile No. 9814106356, is appointed as the sole Arbitrator to adjudicate the dispute between the parties, subject to declaration to be made by him under Section 12 of the Act with regard to his independence and impartiality to adjudicate the dispute.

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6. Parties are directed to appear before the Arbitrator on 25.06.2024 at 11:00 A.M. at the address mentioned above or at any other place, time or date to be fixed by the Arbitrator.
7. Fee shall be paid in accordance with the Fourth Schedule of the Act, as amended.
8. Arbitrator is requested to complete the proceedings as per time limit specified under Section 29-A of the Act.
9. Liberty is granted to them to raise all claims, counter claims, defences, pleas etc. before the Arbitrator.
10. Needless to mention that all the questions arising between them in this matter shall remain open for determination in the arbitral proceedings and any observation made hereinabove will not be binding on the learned Arbitrator.
11. Copy of the order be sent to the appointed Arbitrator.

(SUVIR SEHGAL)
JUDGE

28.05.2024

Kamal

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No