

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

**Arbitration Case No. 76 of 2021
Date of decision: 27th January, 2023**

M/s D. S. Constructions

Petitioner

Versus

Union of India and others

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Anand Vardhaan, Advocate for the petitioner.
Mr. P. C. Goyal, 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 petitioner was allotted tender for construction work. Clause 70 of the general terms and conditions provides for dispute resolution through arbitration.

There was a dispute between the parties.

The petitioner raised claim vide notice dated 16.3.2015. Thereafter, the petitioner served notice dated 20.1.2020 for appointment of an arbitrator. On failure to do the needful, the present petition was filed.

Learned counsel for the respondents submits that the objections with regard to time barred claim and that final payment of the work was made be kept open.

Learned counsel for the parties agree to the appointment of Mr. Surinder Singh, District & Sessions Judge (Retd.)

Accordingly, the present petition is accordingly disposed of by appointing Mr. Surinder Singh, District & Sessions Judge (Retd.), H.

No. 5413, Sector 38 (West), Chandigarh as the 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

27th January, 2023

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