



ARB-257-2024 (O&M)

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

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ARB-257-2024 (O&M)
Date of Decision: 16.10.2024

Gurunanak Engineering Services

...Applicant

Versus

Chief Administration HSVP and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: - Mr. Dinesh Arora, Advocate for the applicant
Mr. G.S. Rana, Advocate
for Mr. P.S. Rana, Advocate for the respondents

JAGMOHAN BANSAL, J. (Oral)

1. Through instant application under Section 11(6) of the Arbitration and Conciliation Act, 1996 (for short '**1996 Act**'), the applicant is seeking appointment of an Arbitrator.
2. Pursuant to tender, the applicant was allotted work by the respondent. Thereafter, an agreement was executed between the parties. A dispute erupted between the parties. There is an arbitration clause in Conditions of Contract. The allotment of work, execution of agreement, arbitration clause in Conditions of Contract and service of notice under Section 21 of 1996 Act is not disputed.
3. Reply filed on behalf of the respondents is taken on record. Registry is directed to tag the same at an appropriate place.



4. Learned counsel for the respondent submits that question of limitation and pre-deposit need to be adjudicated.

5. The respondent is at liberty to raise the objection with respect to limitation and pre-deposit before the Arbitral Tribunal.

6. Conditions to invoke power conferred by Section 11(6) of 1996 Act stand satisfied, thus, I hereby appoint a sole Arbitrator to adjudicate the dispute between the parties.

7. Mrs. Justice Rekha Mittal, Retired Judge of this Court, residing at House No. 56, Sector 11, Chandigarh, Mobile Nos. 8558809903, 9815119903 is hereby appointed as a Sole Arbitrator to adjudicate the dispute between the parties, subject to compliance of statutory requirements. The learned Arbitrator is requested to comply with mandate of Section 12 of 1996 Act before proceeding further.

8. Parties are directed to appear before the learned Arbitrator on date, time and place to be fixed by the Arbitrator at his convenience.

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

10. The Arbitrator is requested to complete the proceedings as per time limit specified under Section 29-A of the 1996 Act.

11. Needless to mention, parties would be at liberty to raise all the claims/defences/counter claims/pleas before the Arbitrator. Any observation made hereinabove will not be binding on the learned Arbitrator.



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12. Pending application(s), if any, shall stand disposed of.

13. A request letter along with copy of this order be sent to Mrs. Justice Rekha Mittal.

(JAGMOHAN BANSAL)

JUDGE

16.10.2024

Mohit Kumar

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No