

Arbitration Case No. 11 of 2022 & connected case [1]

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

Date of decision: 21st February, 2023

(1) Arbitration Case No. 11 of 2022 (O&M)

M/s V. S. Saini Contractor

Petitioner

Versus

Superintending Engineer, PWD B&R Circle and another

Respondents

(2) Arbitration Case No.12 of 2022 (O&M)

M/s V. S. Saini Contractor

Petitioner

Versus

Superintending Engineer, PWD, B&R Circle, Pathankot and another

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Nimish Gautam, Advocate for the petitioner(s).
Mr. Charanpreet Singh, AAG, Punjab.

AVNEESH JHINGAN, J (Oral):

This order shall dispose of above-mentioned two petitions, as the parties are common and similar relief is sought.

For the sake of convenience, facts are being taken from Arbitration Case No. 11 of 2022.

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.

Arbitration Case No. 11 of 2022 & connected case [2]

The petitioner was allotted work for special repair of Dinanagar-Narot Jaimal Singh Road upto J&K Boundary in District Pathankot. Clause 25 of the general terms and conditions provides for pre-arbitration mechanism and dispute resolution through arbitration.

There was a dispute between the parties.

The petitioner raised claim vide notice dated 24.9.2021. Thereafter notice under Section 21 of the Act was issued on 27.11.2021. The needful having not been done, the present petition was filed.

Learned counsel for the respondents seeks liberty to raise the issue of limitation before the arbitrator.

Learned counsel for the parties agree to the appointment of Mr. Gurnam Singh Dhillon, Additional District & Sessions Judge (Retd.) as the sole arbitrator.

Accordingly, the present petitions are disposed of by appointing Mr. Gurnam Singh Dhillon, Additional District & Sessions Judge (Retd.), H. No. 569, Guru Gobind Singh Avenue, Jalandhar 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.

Needless to say that the respondent would be at liberty to raise the issue of limitation before the arbitrator.

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

Arbitration Case No. 11 of 2022 & connected case [3]

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 cases have been disposed of, pending applications, if any, stand disposed of.

Copy of the order be sent to the appointed arbitrator.

Photocopy of the order be placed on the file of connected case.

**[AVNEESH JHINGAN]
JUDGE**

21st February, 2023.

mk

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