

Arbitration Case No. 91 of 2022

[1]

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

Arbitration Case No. 91 of 2022 (O&M)

Date of decision: 22nd February, 2023

M/s Deantech Construction

Petitioner

Versus

Classic Infrasolutions Pvt. Ltd. & others

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Utkarsh Mathur, Advocate for the petitioner.
Mr. Jagdeep Rana, 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 brief facts are that the petitioner was allotted work for construction of towers and allied work. Clause 16/17 of the general terms and conditions of the work order provided for dispute resolution through arbitration. As per the clause, the arbitration proceedings are to be held at Gurugram.

There was a dispute between the parties.

The petitioner served legal notice dated 27.10.2021 for appointment of the arbitrator. The needful having not been done, the present petition was filed.

Learned counsel for the parties agree to the appointment of Mr. S. K. Kaushik, District & Sessions Judge (Retd.) as the sole arbitrator.

Accordingly, the present petition is disposed of by appointing Mr. S. K. Kaushik, District & Sessions Judge (Retd.), H. No. 1118, Sector

46, Gurugram as 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

22nd February, 2023

mk

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