

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

**Arbitration Case No. 184 of 2022
Date of decision: 31st January, 2023**

M/s Bhalla and Associates Builders & Government Contractor

Petitioner

Versus

Punjab Mandi Board and another

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. R. K. Girdhar, Advocate for the petitioner.
Mr. Sanjeev Soni, 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 of Tehsil Complex at Baba Bakala, District Amritsar. Clause 25-A of the general terms and conditions provides for dispute resolution through arbitration.

There was a dispute between the parties.

The petitioner served notice dated 24.3.2022 for appointment of an arbitrator. On failure to do the needful, the present petition was filed.

Learned counsel for the respondents submits that the claim is time barred as the work was completed in 2014 and payment was made in 2018.

Learned counsel for the petitioner submits that the petitioner was pursuing his claim by filing writ petition which was withdrawn on 15.11.2020.

The issue of limitation can be decided in arbitration

proceedings as it involves factual aspect also.

Accordingly, the present petition is accordingly disposed of by appointing Mr. Balwinder Singh Sandhu, District & Sessions Judge (Retd.), H. No. 574 GX BRS Nagar, Ludhiana as the sole arbitrator subject to declaration to be made by her under Section 12 of the Act with regard to independence and impartiality to settle the dispute between the parties.

The issue with regard to limitation needs to be decided by taking into consideration the factual aspect and is kept open to be raised in the arbitration proceedings.

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

31st January, 2023
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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |