
(2018) 07 SHI CK 0010
In the High Court Of Himachal Pradesh
Case No : Arb. Case No. 30 of 2018

Parmod Sood

APPELLANT

Vs

State of Himachal Pradesh And Others

RESPONDENT

Date of Decision : 11-07-2018

Acts Referred:

Arbitration & Conciliation Act, 1996 — Section 14, 15

Citation : (2018) 07 SHI CK 0010

Hon'ble Judges : CHANDER BHUSAN BAROWALIA, J

Bench : Single Bench

Advocate : J.S. Bhogal, Parmod Negi, Ashwani Sharma, P.K. Bhatti

Final Decision : Disposed of

Judgement

Chander Bhusan Barowalia, J.

1. The present petition, under Section 14 and 15 of the Arbitration and Conciliation Act, 1996, has been maintained by the petitioner for terminating the mandate of the Arbitrator and for appointment of an independent and impartial arbitrator. As per the petitioner, being a contractor, he has been

executing works of various magnitudes to the satisfaction of various Government Departments, including the public works. During the course of his

business dealings, he was awarded the work of construction relating to strengthening of Chandigarh-Mandi-Manali road, NH 21, in Kms 105/0 to

127/0 vide letter dated 21.06.2002 for a sum of Rs. 3,27,000,99/-.

2. The dispute had arisen between the parties relating to the amounts claimed by the petitioner for execution of works beyond the agreed limits, which

was initially referred to the sole arbitration of the Superintending Engineer, Arbitration Circle, HPPWD, Solan, who heard the matter and made an

award dated 21.6.2002. The said award was challenged by the respondent in this Court by filing Arbitration Case No. 52 of 2002 and this Court vide

order dated 05.09.2005 allowed the said application. Thereafter, the matter was referred to the sole arbitration of the Superintending Engineer, NH

Circle, HPPWD, Shimla, who had made an award on 05.11.2011.

3. Aggrieved by the award dated 05.11.2011, the petitioner has challenged the same before this Court, vide Arbitration Case No. 19 of 2012, which

was allowed and Superintending Engineer, NH Circle, HPPWD, Shimla was directed to reconsider the claim of the petitioner as expeditiously as

possible and in no event later than 30th June, 2017. However, despite the fact that the learned Arbitrator was directed to decide the matter by

30.06.2017, no award has been passed by him till date, hence the present application.

4. Learned Additional Advocate General, on instructions from Sh. Ajay Sharma, Superintending Engineer, NH Circle, HPPWD Shimla (Arbitrator),

who is present in person has submitted that the measurement books are with the Deputy Superintendent of Police, Vigilance and Anti Corruption

Bureau, Bilaspur, H.P., who vide letter dated 18.07.2017 has been requested by the Executive Engineer, Bilaspur Division No. 2, HPPWD Bilaspur, to

produce the same before the learned Arbitrator. Today, the copy of said letter is produced by the learned Additional Advocate General, which is taken

on record.

5. This Court after hearing the learned counsel for the applicant, learned Additional Advocate General and learned Arbitrator comes to the conclusion

that the arbitration proceedings could not be culminated, as the measurement books which are necessary for proper adjudication of the present case,

were not with the learned Arbitrator.

6. So, in view of the above, the present petition is disposed of by ordering the Deputy Superintendent of Police, Vigilance and Anti Corruption Bureau,

Bilaspur, H.P. to produce the measurement books or other relevant records of the present case, if any, before the learned Arbitrator on a date already

fixed by the learned Arbitrator and thereafter, learned Arbitrator will decide the matter within a period of three months.

Apart from that, learned counsel for the petitioner is directed to hand over the copy of the judgment rendered by Honâ??ble Delhi High Court in

Mehta Teja Singh's case to the learned Arbitrator. No further order is required to be passed in the present petition. Pending application(s), if any, shall also stand(s) disposed of.