

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDI GARH

ARB-214-2015 (O&M)

Date of decision: - 04.03.2016

M/s The Rohtak National Coop. L & C Society Ltd.

... Petitioner

Versus

Engineer-in-Chief, PWD (B&R) Branch, Haryana and
another.

... Respondents

CORAM: HON'BLE MR. JUSTICE S. J. VAZIFDAR, ACTING CHIEF JUSTICE

Present: - Mr. Ashok Kumar Sehrawat, Advocate,
for the petitioner.

Mr. Rahul Dev Singh, Deputy Advocate General,
Haryana.

* * * *

S. J. VAZIFDAR, A. C. J. (ORAL)

This is a petition under Section 11(6) of the Arbitration and Conciliation Act, 1996 (in short the Act) for the appointment of an arbitrator.

2. The parties had entered into a construction contract which contains an arbitration agreement. The final bill was prepared prior to March, 2002. According to the petitioner, it invoked the arbitration agreement by a letter dated 12.03.2002. An arbitrator had earlier been appointed. That appointment, I am informed, stands withdrawn. From the record, it appears that the petitioner had also filed a suit and taken out an application under Section 8 of the Act which was dismissed. A separate petition for appointment of an arbitrator before this Court was also dismissed.

3. In any event, the claim pertains to the period prior to March, 2002. There is nothing on record to indicate that the

claim is not stale. In the meantime, the respondents' records were damaged in a flood. The documents were subsequently made available from the proceedings filed in the District Courts and from the head office. In any event, the claim is ex-facie stale.

4. The petition is, therefore, dismissed.

(S. J. VAZIFDAR)
ACTING CHIEF JUSTICE

04.03.2016

Amogh