

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDI GARH

ARB-130-2016 (O&M)
Date of decision: - 09.09.2016

Hans Ram Dayma

... Petitioner

Versus

State of Haryana and others

... Respondents

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

Present: - Mr. Tanmoy Gupta, Advocate,
for the petitioner.

Mr. Deepak Balyan, Additional Advocate General,
Haryana.

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

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

2. The petitioner had entered into an agreement with the Haryana State Roads and Bridges Development Corporation Limited (in short HSRDC) which contains an arbitration clause. Under the arbitration clause, the Managing Director of the HSRDC is entitled to appoint the arbitrator.

3. Thereafter, a Tripartite Agreement was entered into between the petitioner, HSRDC and the Haryana Public Works Department (Building & Roads). The Haryana Public Works Department stood substituted in place of HSRDC. The arbitration clause is, therefore, applicable to the respondents.

4. The petitioner invoked the arbitration agreement by a letter dated 20.10.2015 and called upon the respondents to appoint an arbitrator. The respondents having failed to do so, the petitioner filed this petition on 01.06.2016. It is only

thereafter that the respondents sought to appoint an arbitrator. The respondents have, however, forfeited their right to nominate an arbitrator.

5. The petition is, therefore, disposed of by appointing Mr. Justice Rajive Bhalla, a former Judge of this Court, as the sole arbitrator.

(S. J. VAZIFDAR)
CHIEF JUSTICE

09.09.2016

Anodh

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| Whether speaking/reasoned | Yes/No |
| Whether reportable | Yes/No |