

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

ARB-198-2015(O&M)
Date of decision: - 19.02.2016

The Chhina Cooperative Labour and Construction
Society Ltd.

... Petitioner

Versus

Punjab State Power Corporation Limited and
another

... Respondents

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

Present: Mr. Dheeraj Mahajan, Advocate,
for the petitioner.

Mr. Manuj Chadha, Advocate,
for Mr. Amit Aggarwal, Advocate,
for the respondents.

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

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

2. The parties had entered into an agreement in respect whereof disputes and differences have admittedly arisen. The agreement contains an arbitration clause. Prior to invoking the arbitration, the parties were to approach the Engineer-in-Charge of the work who was to give his decision within sixty days. The petitioner was entitled to invoke the arbitration clause if the decision was not accepted. The petitioner had in fact addressed several letters from 29.07.2013 to

26.06.2015 (Annexures P-3 to P-8). No decision in that regard was taken.

3. The petitioner, therefore, invoked the arbitration clause by its letter dated 28.07.2015. The respondents having failed to appoint the arbitrator in exercise of their power to do so, the present petition was filed on 16.09.2015. The respondents have still not appointed an arbitrator. They have, therefore, forfeited their right to do so.

4. In these circumstances, the petition is disposed of by appointing Mr. SMS Mahil, retired District Judge, Punjab, as the sole arbitrator.

5. The parties agree that the venue of the arbitration shall be at Jalandhar.

(S. J. VAZIFDAR)
ACTING CHIEF JUSTICE

19.02.2016
Amodh