

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

ARB-141-2018 (O&M)
Date of decision:- 05.07.2019

Gurbax Singh, Govt. Contractor

...Applicant

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE KRISHNA MURARI, CHIEF JUSTICE

Present:- Mr. S.B. Gautam, Advocate,
for the applicant.

Ms. Monica Chhibbar Sharma, Senior DAG, Punjab.

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KRISHNA MURARI, C.J. (ORAL)

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

2. Admittedly, there exists an arbitration clause in the agreement between the parties to resolve any dispute or differences arising out of the contract. A written statement has been filed on behalf of the respondents which is taken on record. It is stated therein that the payment of final bill amounting to ₹ 53,60,225/- has been made to the applicant and one Shri H.S. Dhaliwal, a retired District and Sessions Judge, has been appointed as an arbitrator on 09.10.2018.

3. However, from the record, I find that this application under Section 11 of the Act was made on 17.05.2018 when the respondents failed to respond to the notice of the applicant to appoint an arbitrator. Once, jurisdiction of this Court was invoked under Section 11 of the Act, the respondents lost their right to appoint an arbitrator. Hence, the

appointment of the arbitrator made by the respondents now is of no consequence and a fresh arbitrator is to be appointed by this Court.

4. Accordingly, I hereby appoint Hon'ble Mr. Justice Mahesh Grover, a former Judge of this Court, as the sole arbitrator to resolve the disputes and differences between the parties. The fee shall be as may be settled by the parties with the learned arbitrator.

5. The application accordingly stands disposed of.

(KRISHNA MURARI)
CHIEF JUSTICE

05.07.2019

Amodh

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