

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDI GARH

Arbitration Case No. 18 of 2016 (O&M)
DATE OF DECISION: 27.05.2016

M/s Dwarka Projects Limited

.....Petitioner

versus

Employer-cum-Superintending Engineer, Ambala Circle, etc.

..... Respondents

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

Present: Mr. Munish Gupta, Advocate for the petitioner

Mr. Rahul Dev Singh, DAG, Haryana

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S. J. VAZIFDAR, ACTING CHIEF JUSTICE (Oral):

This is an application under Section 11 of the Arbitration and Conciliation Act, 1996, for constitution of an arbitral tribunal.

2. The petitioner appointed an Arbitrator by a letter dated 21.05.2015 and called upon the respondents to appoint their Arbitrator. The petitioner alleges that the respondents did not appoint their Arbitrator within 30 days and till after the filing of this petition on 02.02.2016.

3. The respondents, in fact, appointed an Arbitrator by a communication dated 02.07.2015. They informed the petitioner of the same. It was contended that the Arbitrator could not have been appointed and that the letter is ante-dated. In this regard, the petitioner understandably relied upon the despatch register annexed as Annexure R/2 to the reply which mentions the date as 01/07/2015. This is a typed copy of the despatch register. It contains a typographical error. Above the letter in question is the date

02.07.2015, as is evident from a photocopy of the original register. The same remained to be typed in the Annexure.

4. The respondents have also nominated an arbitrator. Both the Arbitrators will appoint the presiding Arbitrator.

5. The petition is accordingly disposed of.

27.05.2016
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(S. J. VAZIFDAR)
ACTING CHIEF JUSTICE