

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDI GARH

Arbitration Case No. 24 of 2018 (O&M)

DATE OF DECISION: 22.02.2019

M/s V.K. Construction Company Applicant
versus
State of Haryana and others Respondents

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

Present: Mr. Vivek Khatri, Advocate for the applicant
Mr. Deepak Balyan, Addl. Advocate General, Haryana

KRISHNA MURARI, CHIEF JUSTICE (Oral):

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

Shri Deepak Balyan, Learned Additional Advocate General, Haryana, states that during the pendency of the proceedings before this court, an arbitrator has been appointed on 01.06.2018.

It is well settled that once the respondents failed to appoint an arbitrator after invocation of arbitration clause and thereafter application under section 11(6) of the Act is made and pending, the respondents lose their right to appoint an arbitrator and, thus, the appointment of arbitrator made by the respondents is of no avail. Shri Balyan could not dispute this legal proposition.

In the circumstances, I let Shri A.S. Narula, a retired Additional District & Sessions Judge, Punjab, be appointed as arbitrator in the matter to settle the disputes and differences between the parties. The fee, etc. shall be governed by the Chandigarh Arbitration Centre (CAC) Rules, 2018.

22.02.2019
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(KRISHNA MURARI)
CHIEF JUSTICE

NOTE:

Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO

