

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDI GARH

ARB-28-2016 (O&M)  
Date of decision: - 09.09.2016

M/s Jaharvir Rana Rice Mill

... Petitioner

Versus

State of Haryana and others

... Respondents

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

Present: - Mr. Deepender Singh, 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 parties had admittedly entered into an agreement. Clause 24 contains an arbitration agreement. It is contended that the claims were not made within the time prescribed and are, therefore, deemed to have been waived. The validity of such a provision as well as whether the claims are barred as a matter of fact are kept open before the learned arbitrator.

3. The disputes are otherwise admittedly referable to arbitration.

4. The respondents further contend that by a policy it has been decided that as a condition precedent to the maintainability of arbitration proceedings, the petitioner must deposit a certain amount. There is no such provision in the agreement. The respondents cannot unilaterally impose such a condition as a condition precedent to the maintainability of arbitration

proceedings. The respondents have forfeited their right to nominate an arbitrator.

5. In these circumstances, the petition is disposed of by appointing Mr. O.P. Gupta, a retired District and Sessions Judge, now residing at H. No. 901, Sector 8, Panchkula, as the sole arbitrator.

(S. J. VAZIFDAR)  
CHIEF JUSTICE

09.09.2016

Anodh

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