

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Arbitration Case No.82 of 2016

Date of Decision: 18.10.2016

M/s Narula Buildwell Pvt. Ltd.

.....Petitioner.

Versus

State of Punjab and others

....Respondents.

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

Present : Mr. B.S.Jaswal, Advocate, for the petitioner.
None for the respondents.

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

This is an application under Section 11(6) of the Arbitration & Conciliation Act, 1996 for appointment of a sole Arbitrator to adjudicate upon the disputes and differences between the parties.

2. The parties had admittedly entered into an agreement. Clause 25 thereof contains an arbitration agreement. The disputes and differences have arisen between the parties. The petitioner had earlier filed writ petitions which were disposed of. Ultimately the petitioner invoked the arbitration clause and called upon the respondents to appoint an Arbitrator. The respondents, however, have failed to appoint an Arbitrator. Under clause 25(v) the disputes and differences are to be referred to the sole arbitration of the Superintending Engineer of the circle concerned in the Public

Works Department, Building & Roads Branch and failing him the Chief Engineer was to appoint any other technical officer not below the rank of Superintending Engineer to act as an Arbitrator. The respondents even on date have not appointed any Arbitrator.

3. In the circumstances, the petition is disposed of by directing the respondents to make the appointment of an Arbitrator as per clause 25(v) of the agreement latest by 30.11.2016. The petitioner has no objection to the same. Needless to add that the petitioner would have to comply with all the provisions of clause 25 including sub clause (viii) thereof.

18.10.2016
ravinder

(S. J. VAZIFDAR)
CHIEF JUSTICE

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