

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

(1) **ARB-244-2018 (O&M)**

M/s Om Rice MillsApplicant

versus

Managing Director, CONFED and anotherRespondents

(2) **ARB-245-2018 (O&M)**

M/s Shiv Shankar Rice MillsApplicant

versus

Managing Director, CONFED and anotherRespondents

(3) **ARB-246-2018 (O&M)**

M/s Shiv Shankar Rice MillsApplicant

versus

Managing Director, CONFED and anotherRespondents

(4) **ARB-248-2018 (O&M)**

M/s Radha Krishan Rice MillsApplicant

versus

Managing Director, CONFED and anotherRespondents

Date of decision: 13.03.2020

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Robin Dutt, Advocate
for the applicant(s).

Mr. Deepak Balyan, Advocate
for the respondents.

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DEEPAK SIBAL, J. (Oral)

Short reply on behalf of the respondents filed in Court today is ordered to be taken on record. Copy of the same has been handed over to counsel opposite.

This order shall dispose of four applications being **ARB-244-2018 – M/s Om Rice Mills vs. Managing Director, CONFED and another, ARB-245-2018 – M/s Shiv Shanker Rice Mills vs. Managing Director, CONFED and another, ARB-246-2018 – M/s Shiv Shanker Rice Mills vs. Managing Director, CONFED and another** and **ARB-248-2018 – M/s Radha Krishan Rice Mills vs. Managing Director, CONFED and another**. For the sake of convenience, facts are being taken from **ARB-244-2018**.

The present application has been filed under Section 11 of the Arbitration and Conciliation Act, 1996 (for short – the Act) for appointment of an Arbitrator.

On 12.10.2009, the parties entered into an agreement as per which the applicant was to mill paddy on behalf of the respondents. Admittedly, as per clause 23 of the agreement, disputes between the parties were to be settled through the mode of Arbitration.

Disputes having arisen between the parties, through legal notice dated 24.04.2018, the applicant invoked the arbitration clause and required the respondents to appoint an arbitrator in response to which the respondents filed the reply denying the applicant's claims. However, no arbitrator was appointed, occasioning the filing of the present application for the aforesaid relief.

After hearing learned counsel for the parties and leaving them

to raise all possible pleas that they may have in accordance with law before the Arbitrator, Justice Baldev Singh, a former Judge of this Court, is appointed as the sole Arbitrator in all the four applications. However, such appointment would be subject to the declaration to be made by Justice Baldev Singh under Section 12 of the Act with regard to his independence and impartiality to settle the disputes between the parties.

The Arbitrator is requested to complete the proceedings within the time limit specified under Section 29A of the Act.

The Arbitrator shall be paid fee in accordance with the Fourth Schedule of the Act, as amended or as may be mutually settled by the parties and the Arbitrator.

As per agreement expressed by learned counsel for the parties, for the sake of the convenience of their respective clients, the venue of the Arbitration shall be at Chandigarh.

A copy of the order be forwarded to Justice Baldev Singh (Retd.) at the given address:

H.No.63, Amrawati
Enclave, P.O.
Chandimandir Cantt.
District Panchkula
(Mob. No.98152-87839)

After seeking the convenience of the Arbitrator, the parties are directed to appear before him on 27.03.2020 or on any other date suitable to all concerned.

All the four applications being **ARB-244-2018 – M/s Om Rice Mills vs. Managing Director, CONFED and another**, **ARB-245-2018 – M/s Shiv Shanker Rice Mills vs. Managing Director, CONFED and another**, **ARB-246-2018 – M/s Shiv Shanker Rice Mills vs. Managing**

Director, CONFED and another and **ARB-248-2018 – M/s Radha Krishan Rice Mills vs. Managing Director, CONFED and another** are disposed of in the above terms.

March 13, 2020
Jyoti 1

(DEEPAK SIBAL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No