

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDI GARH

Arbitration Case No. 216 of 2017 (O&M)

DATE OF DECISION: 23.02.2018

M/s Hans Ji Export, Ambala

.... Petitioner

versus

State of Haryana and others

..... Respondents

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

Present: Ms. Sunita Nambiar, Advocate for  
Mr. Abhimanyu Singh, Advocate for the petitioner  
Mr. Deepak Balyan, Addl. Advocate General, Haryana  
..

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

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

2. The parties had entered into a contract, clause 26 whereof contains an arbitration clause. Disputes and differences having arisen between the parties, the petitioner invoked the arbitration agreement by a letter dated 05.07.2017. The respondents have not appointed an arbitrator to date. Thus, they have forfeited their right, if any, to appoint an arbitrator.

3. The arbitration clause requires the appointment of the Director, Food & Supplies, Haryana/Managing Director of the agency or any person appointed by them in this behalf. The same is not permissible in view of the amendment to the Act.

The allegation against the petitioner of having misappropriated the amounts is a dispute on merits which falls within the arbitration clause.

4. The petition is, therefore, disposed of by appointing Mr. Justice Rameshwar Singh Malik, a former Judge of this Court, as the sole Arbitrator. The fee shall be as per the Chandigarh Arbitration Centre (CAC) (Administrative Cost and Arbitrators' Fees) Rules, 2014. The venue shall be the Chandigarh Arbitration Centre.

23.02.2018  
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(S. J. VAZIFDAR)  
CHIEF JUSTICE

NOTE:

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