

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 213

ARB-250-2018 (O&M)

Date of decision : 17.02.2020

M/s Shree Roop Jain H.P.Centre

..... Applicant

VERSUS

Hindustan Petroleum Corporation Ltd.

..... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.Varun Sharma, Advocate, for the applicant.

Mr.Raman Sharma, Advocate, for the respondent.

DEEPAK SIBAL, J. (ORAL)

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 31.08.2004 the parties entered into an agreement through which the applicant became a dealer of the respondent. Admittedly, as per Clause 66 of such agreement disputes between the parties were to be settled through the mode of Arbitration.

Disputes arose between the parties as on the ground of certain alleged irregularities on the part of the applicant the respondent terminated the aforesaid agreement. Such action of the respondent was challenged by the applicant through a writ petition filed before this Court being CWP-13526-2012 wherein in view of the aforesaid Clause 66 of the agreement the respondent raised an objection with regard to its maintainability. In view of the afore referred objection the applicant withdrew its writ petition to get its disputes settled through the mode of arbitration. The applicant then sent a legal notice to the respondent for appointment of an Arbitrator in response to which the respondent sought consent of the applicant to appoint an Arbitrator which was in violation of the eligibility under Section 12 of the Act. In this background the present application has been filed.

After hearing learned counsel for the parties and with their consent Mr.Balbir Singh Mehendiratta, District & Sessions Judge (Retd.) is appointed as the sole Arbitrator. However, such appointment would be subject to the declaration to be made by Mr.Mehendiratta under Section 12 of the Act with regard to his independence and impartiality to settle the dispute 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 as also of the Arbitrator, the venue of the arbitration shall be at Chandigarh.

A copy of the this order be forwarded to Mr.Balbir Singh Mehendiratta, District & Sessions Judge (Retd.) at the given address:-

5802-B,
Sector 38-West,
Chandigarh.

After seeking the convenience of the Arbitrator, the parties are directed to appear before the Arbitrator on 26.02.2020 or on any other date suitable to all concerned.

The matter is disposed of in the above terms.

17.02.2020
shamsher

[DEEPAK SIBAL]
JUDGE

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