

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDI GARH

ARB-240-2016 (O&M)
Date of decision: - 28.04.2017

M/s Techno FAC Contracts Pvt. Ltd.

...Petitioner(s)

Versus

M/s NDK Hotels & Resort Ltd.

...Respondent

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

Present: - Mr. Naveen Kumar Tripathi, Advocate,
for the petitioner(s).

None for the respondent.

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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 entered into a contract clause 14 whereof reads as under: -

"14. As it has been mutually agreed in the meeting, sole arbitrator, for all disputes or differences whatsoever which shall any time arise, will be our Architects Mr. Gian P. Mathur with venue at Delhi. Courts at Amritsar only will have the jurisdiction to hear and decide the disputes, action and proceedings arising out of the contract."

3. Disputes and differences have arisen between the parties. The petitioners invoked the arbitration clause. A copy of the letter of invocation was forwarded to the arbitrator as well. The arbitrator, however, has not responded.

4. I must mention at this stage that there is an adjournment slip by the respondents. The adjournment slip, however, has not been signed by the petitioners. The petitioners' grievance is that even on the last occasion, an adjournment was sought. The petitioners oppose the adjournment.

5. The learned counsel appearing on behalf of the petitioners states that he has no objection to either the named arbitrator being appointed or any independent arbitrator being appointed by the Court. He further states that although the clause states that the arbitration proceedings shall be held at Delhi, he has no objection to the arbitration proceedings being held in Chandigarh.

6. The petition is, therefore, disposed of by appointing Shri Gian P. Mathur, who is named in the arbitration clause, as the sole arbitrator. In view of the statement on behalf of the petitioners, if the respondents desire any other person being appointed as an arbitrator by the Court, they are at liberty to make an application in this petition itself for the same latest by 15.05.2017 failing which the appointment of Shri Gian P. Mathur shall stand confirmed. The arbitration proceedings shall be held in Delhi in accordance with the arbitration clause. However, in view of the offer made by the petitioners, the arbitration may be held at Chandigarh, if the respondents so desire.

(S. J. VAZIFDAR)
CHIEF JUSTICE

28.04.2017

Amodh

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