

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDI GARH

ARBS-252, 270, 277 & 278-2016 (O&M)
Date of decision: - 17.02.2017

M/s C&C-SE (JV)

... Petitioner

Versus

Executive Engineer, Punjab Water Supply & Sewerage
Board, Division No. 2, Ludhiana.

... Respondent

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

Present: - Mr. Ankur Gupta, Advocate,
for the petitioner.

Mr. Sanjeev Soni, Advocate,
for the respondent.

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

The above petitions are under Section 11 of the Arbitration and Conciliation Act, 1996 for the appointment of an arbitrator.

2. The learned counsel appearing on behalf of the petitioner states that the contract in each of these cases is similar except as to the quantum of work. The claims are also similar except as to the quantum thereof.

3. The parties had entered into an agreement in each of the cases clause 25 whereof contains an arbitration agreement.

4. The learned counsel appearing on behalf of the petitioner states that the disputes and differences between the parties had been referred to the Engineer-in-Charge of the work as required by clause 25. However, the matter still remains unresolved. It was submitted on behalf of the respondent that an arbitrator has been named. However, the arbitration clause

contemplates the appointment of an officer/employee of the respondent which is not permissible.

5. The petitions are, therefore, disposed of by appointing Shri P.L. Ahuja, a retired District Judge, Haryana, as the sole arbitrator. The fees shall be as per the Chandigarh Arbitration Centre (CAC) (Administrative Cost and Arbitrators' Fees) Rules, 2014.

6. It is clarified, however, that there shall be a separate reference in respect of each of the matters and separate awards shall also be passed in respect of each of the matters. Whether common evidence is to be led or not would be for the learned arbitrator to decide.

(S. J. VAZIFDAR)
CHIEF JUSTICE

17.02.2017

Anooh

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