

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDI GARH

ARB-173-2015 (O&M)

Date of decision: - 26.02.2016

M/s Malhotra Land Developers and Colonizers (Pvt.) Ltd.  
... Petitioner

Versus

M/s Big Investment Advisory Ltd. and another  
... Respondents

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

Present: - Mr. Ajai vir Singh, Advocate,  
for the petitioner.

\* \* \* \*

S. J. VAZIFDAR, A. 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 construction contract. Clause 29 thereof contains an arbitration agreement. The clause in fact provides that the arbitrator is to be appointed by the petitioner. In any event, even if the respondents were entitled to appoint the arbitrator, they must be deemed to have forfeited the right as there has been no response to the petitioner's notice dated 01.07.2015 invoking the arbitration clause and no arbitrator has been appointed by the respondents to date.

3. The petition is, therefore, disposed of by appointing Mr. Justice V.K. Jhanji, a former Judge of this Court, as the sole arbitrator.

(S. J. VAZIFDAR)  
ACTING CHIEF JUSTICE

26.02.2016

Amcdh