

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 207

ARB-86-2018

Date of decision : 06.12.2019

M/s Saroha Construction Company

..... Petitioner

VERSUS

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Vivek Khatri, Advocate, for the petitioner.

Mr. Pankaj Mulwani, DAG, Haryana.

DEEPAK SIBAL, J. (ORAL)

The present petition has been filed under Section 11(6) of the Arbitration and Conciliation Act, 1996 (for short, the Act) for appointment of an Arbitrator in a domestic commercial dispute.

The petitioner and the respondents entered into an agreement dated 07.09.2015 for Construction of Workers' Facilities Centre at Rai, Sonapat. Admittedly, as per clause 25.3 of the agreement disputes between the parties were to be settled through Arbitration.

On disputes having arisen between the parties, in terms of the afore-referred clause 25.3 of the agreement between them, the petitioner got issued a legal notice to the respondents for appointment of an Arbitrator. In response to such notice, no Arbitrator was appointed occasioning the filing of the present petition.

Though the agreement refers to a panel of three Arbitrators, with consent of learned counsel for the parties, a sole Arbitrator is being appointed.

After hearing learned counsel for the parties, to adjudicate upon the disputes between them, Justice Gurmit Ram (Retd.) is appointed as the sole Arbitrator. However, such appointment would be subject to the

declaration to be made by Justice Gurmit Ram (Retd.) under Section 12 of the Act with regard to his independence and impartiality to settle the disputes 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.

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 S.A.S. Nagar (Mohali), where Justice Gurmit Ram (Retd.) resides or any other place convenient to all concerned.

A copy of this order be forwarded to Justice Gurmit Ram (Retd.), at the given address: -

H.No.84, Sector 77,
Judges' Enclave,
SAS Nagar (Mohali).

After seeking the convenience of the Arbitrator, the parties are directed to appear before the Arbitrator on 13.12.2019 at 11.00 A.M. or any other date suitable to all concerned.

The petition is disposed of in the above terms.

06.12.2019

shamsher

[DEEPAK SIBAL]

JUDGE

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