

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**ARB No.49 of 2016 (O&M)
Date of Decision : 02.09.2016**

Ashok Leyland Ltd.

..... Petitioner

versus

Amritsar City Transport Services Ltd.

..... Respondents

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

Present : Mr. Sandeep Jasuja, Advocate
for the petitioner.

Mr. R.D. Bawa, Advocate for the respondents.

S.J.VAZIFDAR, CHIEF JUSTICE (Oral)

This is a petition under Section 11 of the Arbitration and Conciliation Act, 1996 for the appointment of an arbitrator.

2. The parties have admittedly entered into an agreement dated 24.06.2013 under which the petitioner was to sell and deliver to the respondents buses meeting the respondents specifications. Disputes and differences have arisen between the parties. The petitioner contends, inter alia, that the respondents had failed to make payment for the buses already delivered and have also wrongfully failed to take delivery of the remaining buses. The petitioner, therefore, by a letter dated 09.01.2016 raised the disputes and called upon the respondents to nominate the arbitrator in accordance with the arbitration clause. The respondents have admittedly

failed to do so. They have, therefore, forfeited the right to appoint an arbitrator.

3. The petition is, therefore, disposed of by appointing Mr. P.L. Ahuja, District & Sessions Judge (Retd.), as the sole arbitrator as requested by the parties.

The arbitration shall be held in Chandigarh Arbitration Centre, Sector 17.

September 02, 2016
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(S.J. VAZIFDAR)
CHIEF JUSTICE

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No