

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Arbitration Case No.175 of 2017 (O&M)
DATE OF DECISION: 15.12.2017

M/s P&R Infraprojects Ltd.Petitioner

versus

Punjab State Power Corporation Ltd. and others ...Respondents

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

Present: Mr. Karan Gupta, Advocate for the petitioner
Mr. Sourabh Goel, Advocate for the respondents

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S.J. VAZIFDAR, CHIEF JUSTICE (Oral) :

This is an application under section 11 (6) of the Arbitration and Conciliation Act, 1996 for the appointment of sole arbitrator to adjudicate upon the disputes and differences between the parties.

2. The parties had entered into a contract which admittedly contains an arbitration agreement. Disputes and differences having arisen between the parties, the petitioner invoked the arbitration agreement. Even assuming that the respondents have not forfeited their right to appoint an arbitrator in accordance with the said clause, it would make no differences. The clause provides for the appointment of an officer of the respondents to be the arbitrator which is not permissible.

3. The petition is, therefore, disposed of by appointing Mr. Justice Anil R. Dave, a former Judge of the Supreme Court of India as the sole arbitrator to adjudicate upon the disputes and differences between the parties.

4. It is clarified that the arbitrator while proceeding with the reference shall take into consideration whether or not the petitioner has complied with all the terms and conditions including clause 3.23 (viii).

15.12.2017

ravinder

(S.J. VAZIFDAR)

CHIEF JUSTICE

NOTE:

Whether speaking/non-speaking: Speaking

Whether reportable: YES/NO