

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Arbitration Case No. 194 of 2015 (O&M)
DATE OF DECISION: 05.02.2016

M/s A. N. Kapoor, (Jani tors) Pvt. Li mi ted

.... Peti ti oner

versus

Post Graduate Insti tute & Ors.

..... Respondents

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

Present: Mr. Harsh Aggarwal, Advocate for the petitioner

Mr. Manuj Chadha, Advocate

Mr. Amit Aggarwal, Advocate for the respondents

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

This is an application under Section 11 of the Arbitration and Conciliation Act, 1996, for appointment of an Arbitrator.

2. The petitioner had earlier filed an Arbitration Case No.5 of 2011. The petition was disposed of by an order dated 08.12.2011 granting the Director of the respondents liberty to proceed with the arbitration. The order further provided that if the Director failed to invoke the jurisdiction within a period of one month, it would be open to the petitioner to invoke the jurisdiction of this Court for appointment of an independent Arbitrator. The Director did not invoke his jurisdiction. The respondents contend that he delegated his power. This could not have been done. The delegation was quashed by an order dated 04.09.2015 in C.R. No.983 of 2012 filed by the petitioner. By the said order, the petitioner was also granted liberty to file fresh proceedings for the appointment of an Arbitrator.

3. Accordingly, Mr. Justice K.C. Puri, a former Judge of this Court, is appointed as a sole Arbitrator.

The petitioner has no objection to the venue being PGI itself in order to save costs. In the event of the respondents not being able to provide premises for arbitration in the PGI, the venue shall be the High Court Arbitration Centre.

4. The petition is accordingly disposed of.

05.02.2016
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(S. J. VAZIFDAR)
ACTING CHIEF JUSTICE