

226 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

ARB No. 313 OF 2019

Date of Decision:23.01.2020

DEVENDER

...Petitioner

Versus

HARYANA STATE ROADS AND BRIDGES DEVELOPMENT
CORPORATION LTD. ...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Balkar Singh, Advocate for the petitioner.

Mr. Vishal Garg, Advocate for the respondent.

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.

The petitioner was appointed by the respondent as an agent for collection of toll at Toll Point TP-27. A contract was entered into between the parties as per which any dispute between them was to be settled through the mode of arbitration.

Disputes having arisen between the parties, through a notice sent to the respondent, the petitioner invoked the arbitration clause in response to which, before the filing of the present petition, no Arbitrator was appointed by the respondent.

Since only after the filing of the present petition the respondent appointed an Arbitrator, they had already forfeited their right to do so.

After hearing learned counsel for the parties, for adjudicating the disputes between them, Sh. R.C.Godara, District and Sessions Judge (Retd.) is appointed as the sole Arbitrator. However, such appointment would be subject to the declaration to be made by Sh. Godara, 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 or as may be mutually settled by the parties and the Arbitrator.

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 Panipat or at any other place convenient to all concerned.

A copy of the this order be forwarded to Sh.R.C.Godara, District and Sessions Judge (Retd.) at the given address:

F1/5 Eldeco Estate Panipat,
Sector 40,
Panipat.

After seeking the convenience of the Arbitrator, the parties are directed to appear before him on 07.02.2020 at 11 A.M. or any other date suitable to all concerned.

The matter is disposed of in the above terms.

(DEEPAK SIBAL)
JUDGE

January 23, 2020

Jyoti-1 Whether speaking/reasoned Yes/No Whether Reportable Yes/No