

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Arbitration Case No. 75 of 2013 (O&M)

Date of Decision: 23.08.2013

Level One Communications Headquarters Munich, Germany

..Petitioner

Versus

Haryana State Electronics Development Corporation Ltd.

..Respondents

CORAM: HON'BLE MR. JUSTICE SANJAY KISHAN KAUL, CHIEF JUSTICE.

Present : Mr. Amit Rawal, Senior Advocate with
Mr. Gaurav Rana, Advocate, for the petitioner.
Mr. Pankaj Gupta, Advocate, for respondent No.1.
Mr. R.S.Kundu, Addl. A.G. Haryana.

SANJAY KISHAN KAUL C.J. (Oral)

In terms of the arbitration clause 6.28, there is a named Arbitrator being Home Secretary to Government of Haryana. The petitioner has not even cared to approach the Arbitrator to enter upon the reference and adjudicate the disputes between the parties but has straight away filed an application under Section 11 of the Arbitration & Conciliation Act, 1996.

There has been no refusal or negligence on the part of the Arbitrator to act as Arbitrator.

In view of the aforesaid, the petition is not maintainable and it is for the petitioner to approach the named Arbitrator for adjudication of the disputes.

Dismissed.

(SANJAY KISHAN KAUL)
CHIEF JUSTICE

23.08.2013

'ravinder'