

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

Arbitration Case No. 116 of 2013

Date of decision:-27.09.2013

Siddhartha Engineering Ltd. ...Petitioner
Versus

Haryana Vidyut Prasaran Nigam Ltd. ...Respondent

Arbitration Case No. 117 of 2013

Siddhartha Engineering Ltd. ...Petitioner
Versus

Haryana Vidyut Prasaran Nigam Ltd. ...Respondent

Arbitration Case No. 118 of 2013

Siddhartha Engineering Ltd. ...Petitioner
Versus

Haryana Vidyut Prasaran Nigam Ltd. ...Respondent

Arbitration Case No. 119 of 2013

Siddhartha Engineering Ltd. ...Petitioner
Versus

Haryana Vidyut Prasaran Nigam Ltd. ...Respondent

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

Present: Mr. A.P. Katyal, Advocate,
for the petitioner.

Mr. P.S. Poonia, Advocate,
for the respondent.

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SANJAY KISHAN KAUL, C.J. (ORAL)

The identical petitions under Section 11 of the Arbitration and Conciliation Act, 1996 have been filed in view of the agreements inter se the parties containing the arbitration clause. It is not disputed that both the sides

have appointed their arbitrators, but the two arbitrators have not been able to agree upon the third arbitrator occasioning the filing of the present petitions.

The respondent was served on 30.08.2013 and had already been granted three weeks' time to file the reply from the date of service of the notice on 16.08.2013. No reply has been filed despite the time elapsing.

Learned counsel for the respondent submits that the reply is necessary, as there is some dispute qua the joint venture partners, who entered into the agreement.

In my view, that is not relevant to the present controversy because both the sides have already appointed their respective arbitrators and this Court is only concerned with the appointment of the third arbitrator.

Learned counsels for the parties suggest that the venue of arbitration may be at Gurgaon and a retired Judge of the Supreme Court may be appointed as the third arbitrator.

In view of the aforesaid, Mr. Justice Y.K. Sabharwal, Chief Justice of India (Retired) is appointed as the third arbitrator who will enter upon reference and adjudicate the disputes inter se the parties.

The fee of the arbitrator will be fixed by the arbitrators themselves.

The petitions stand accordingly disposed of.

(SANJAY KISHAN KAUL)
CHIEF JUSTICE

27.09.2013

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