

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

**Arbitration Case No.124 of 2014
Date of decision: 10.10.2014**

M/s ARSS Infrastructure Projects Ltd. ... Petitioner

Versus

The State of Punjab and others ... Respondents.

**CORAM: HON'BLE MR.JUSTICE ASHUTOSH MOHUNTA
ACTING CHIEF JUSTICE**

Present: Mr.J.S.Randhawa, Advocate
for the petitioner.

Mr.J.S.Puri, Additional Advocate General, Punjab.

ASHUTOSH MOHUNTA, ACJ (Oral)

The petitioner has prayed for appointment of an Arbitrator in terms of Clause 25.4 of the agreement dated 16.08.2011.

Reply has been filed on behalf of the respondent wherein, it has been stated that Er. T.S.Chahal, Superintending Engineer, Central Works Circle, Punjab PWD B & R Branch Chandigarh has been appointed as an Arbitrator vide letter dated 17.10.2014 and therefore, no other Arbitrator is required to be appointed.

Counsel for the petitioner submits that since the respondents have appointed an Arbitrator after filing of this petition so they had lost the rights to do so in view of the law laid down in **Bhagwan Dass and others Vs. Union of India and others, 2009 (2) RCR (Civil) 554.** Therefore, now this Court should appoint an Arbitrator to adjudicate upon the dispute between the parties.

In view of the decision in Bhagwan Dass's case (supra),

the appointment of Arbitrator appointed by the respondents cannot be sustained and the same is set aside and instead I appoint Justice N.K.Kapoor, Former Judge of this Court as an Arbitrator to adjudicate upon the dispute between the parties.

The Arbitrator shall be paid his fee as per the Chandigarh Arbitration Centre Rules, 2014.

Disposed of.

A copy of this order be sent to the Chandigarh Arbitration Centre, Sector-17, Chandigarh.

**(ASHUTOSH MOHUNTA)
ACTING CHIEF JUSTICE**

10.10.2014

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