

CM No. 4406-CII of 2017 in
Arbitration Case No.178 of 2016

V.K.Aggarwal

vs.

Ajay Kumar Aggarwal

Present: Mr. Narender Pal Bhardwaj, Advocate,
for the applicants/respondents.

Ms. Ashima Mor, Advocate,
for the non-applicants-petitioner.

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CM No. 4406-CII of 2017

Heard. For the reasons stated the application, the same is allowed.

Arbitration Case No. 178 of 2016

The petition is taken up for hearing.

The petitioner had filed Arbitration Case No. 46 of 2007 which
was disposed of by the following order dated 12.09.2007:-

"Parties have consented for appointment
of Shri Madan Gopal, Advocate, Ambala City, as the
sole Arbitrator to adjudicate upon all the disputes
between the parties.

Accordingly Shri Madan Gopal, Advocate,
Ambala City is appointed as the Arbitrator to
adjudicate upon all the disputes between the
parties.

The Arbitrator shall fix his own fee.

The intimation of appointment be sent to
the Arbitrator.

Parties to appear before the Arbitrator
on 13.10.2007 at 11.00 A.M.

Petition stands disposed of."

The present petition has been filed only in view of the learned
arbitrator having expressed his inability to pass an award. Thus the issue today
is only for the substitution of the arbitrator. This application must be allowed
as the issue of arbitrariness was already decided by the order dated 12.09.2007.

Unless and until that order is set aside, this present application for substitution of the arbitrator must be allowed.

The petition is, therefore, disposed of by appointing Mr. B.M.Bedi, District & Sessions Judge (retd.), Haryana, as the sole arbitrator to adjudicate upon the disputes and differences between the parties. The fees shall be as per the Chandigarh Arbitration Centre (CAC) (Administrative Cost and Arbitrator's Fees) Rules, 2014. The venue of the arbitration shall be the Chandigarh Arbitration Centre. It is clarified that this order does not deal with the correctness or otherwise of the order dated 12.09.2007. In the event of the applicants-respondents challenging the same or seeking recall or modification thereof, the same would be decided on its on-merits.

(S.J. VAZIFDAR)
CHIEF JUSTICE

07.04.2017
ravinder