

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

221

ARB-150-2021 (O&M)

Date of decision: 20.04.2021

HARYANA STATE COOPERATIVE SUPPLY AND MARKETING
FEDERATION LIMITED (HAFED) ...Petitioner

Versus

M/S UNITED BREWERIES LTD AND ANR ...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present : Mr. PS Rana, Advocate for the petitioner.

Mr. N.K.Setia, Advocate for respondent No.1

Mr. Samarth Sagar, Addl. AG, Haryana,

ANIL KSHETARPAL, J. (Oral)

The hearing of the case was held through video conferencing on account of restricted functioning of the Courts.

Through this petition, filed under Section 11(6) of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as “the 1996 Act”), as amended, a prayer is made to appoint an independent Arbitrator to adjudicate the disputes/differences relating to the lease agreement dated 10.08.2007 which was further extended vide lease agreement registered on 26.05.2017.

Learned counsel for the parties are ad idem that this Bench is required to nominate a retired Judicial Officer as the Arbitrator. This Court has also examined the nature of the dispute and is of the considered view that the resolution of the dispute through arbitration can be adjudicated by a retired Judicial Officer who has rich experience.

Hence, the petition is allowed. This Bench finds it appropriate to nominate Mr. Surinder Singh, (Retd..) District & Sessions Judge as an Arbitrator in the petition.

(a) Appointment of Arbitrator: Mr. Surinder Singh, District and Sessions Judge (retired), R/o H. No. 5413, Sector 38 West, Chandigarh, 9876614207 (M), is hereby nominated to act as the Sole Arbitrator to decide the disputes and differences between the parties in the petition.

(b) Communication to Arbitrator of this order:

(i) A copy of this order will be communicated to the learned Sole Arbitrator by the learned counsel for the petitioner within one week from the date of the order being uploaded

(ii) In addition, within one week of this order being uploaded, the Registry will forward an ordinary copy of this order to the learned Sole

Arbitrator at the following postal address:

Arbitrator : Mr. Surinder Singh, District and Sessions Judge (retired)

Address : H.No. 5413, Sector 38 West, Chandigarh

Contact No. : 0172-2625384,
9876614207

(c) Disclosure: The learned Sole Arbitrator is requested to forward his statement of disclosure under Section 11(8) read with Section 12(1) of the Arbitration Act, 1996 to the Registrar General of this Court, referencing this arbitration petition, as soon as possible, and in any case, sufficiently in advance of his entering upon the reference to his arbitration. That statement will be retained by the Registrar General on the file of this application. Copies will be given to both sides.

(d) Appearance before the Arbitrator: The parties will appear before the learned Sole Arbitrator physically or through video conferencing on such date and at such place as he nominates and will obtain appropriate directions in regard to fixing a schedule for completing the pleadings, etc.

(e) Contact/communication information of the parties: Contact and communication particulars are to be provided by both sides to the learned Sole

Arbitrator within one week of this order being uploaded. The information is to include a valid and functional email address.

(f) Application under Section 16: Liberty to either side to file an application before the learned Sole Arbitrator under Section 16 in regard to any matter or claim and its arbitrability or with regard to the jurisdiction and competency of the arbitral tribunal.

(g) Interim Application(s):

(i) Liberty to both the parties to make an interim application/s including (but not limited to) an interim application under Section 17 of the Arbitration & Conciliation Act, 1996 before the learned Sole Arbitrator.

(ii) Any such application will be decided in such manner and within such time as the learned Sole Arbitrator deems fit.

(h) Fees: The fees of Arbitral Tribunal shall be governed by IVth Schedule of the Arbitration and Conciliation Act, 1996.

(i) Sharing of costs and fees: Parties agree that all arbitral costs and the fees of the arbitrator will be borne by both sides in equal shares at the first instance.

(j) Venue and seat of arbitration: The venue of arbitration shall be at such place or places as may be

fixed by the Sole Arbitrator in his sole discretion.

(k) Contentions kept open. All contentions before the learned Sole Arbitrator are specifically kept open.

It is clarified that it is open to the respondents to file a counter-claim, if so advised, before the learned Sole Arbitrator, within such time and subject to such terms as the learned sole Arbitrator may direct.

Costs of the arbitration proceedings may be included by both sides in their respective claims made before the learned Sole Arbitrator.

20.04.2021

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Whether speaking/reasoned:

Whether reportable:

(ANIL KSHETARPAL)
JUDGE

Yes / No

Yes / No