

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Arbitration Case No. 97 of 2015 (O&M)
DATE OF DECISION: 30.10.2015

M/s Dynamic Construction

.....Petitioner

versus

State of Haryana and another

.....Respondents

CORAM: - HON'BLE MR. JUSTICE S. J. VAZIFDAR, ACTING CHIEF JUSTICE

Present: Mr. Sumit Gupta, Advocate for the petitioner

Mr. Rahul Dev Singh, DAG, Haryana

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S. J. VAZIFDAR, ACTING CHIEF JUSTICE (Oral):

This is an application under Section 11 of the Arbitration and Conciliation Act, 1996, for appointment of a sole arbitrator.

2. The parties had entered into a construction contract. Clause 25A thereof contains an arbitration agreement. Disputes and differences have arisen between the parties. Under Clause 25A-2 of the contract, the same are to be referred to the sole arbitration of any serving Superintending Engineer or Chief Engineer of the Haryana PWD, B&R Branch, to be nominated by designation by the Engineer-in-Chief, Haryana, PWD, B&R Branch.

3. In terms of Clause 25A-1, the petitioner submitted the claim to the Executive Engineer on 11.10.2014. As the Executive Engineer did not take a decision, the petitioner requested the Engineer-in-Chief to appoint an arbitrator in accordance with Clause 25A. The arbitrator was, however, not appointed.

4. The petitioner, therefore, filed the present petition on 26.05.2015. It is only thereafter that the respondents purported to appoint an arbitrator on 10.09.2015. The respondents have, therefore, forfeited their right to appoint the arbitrator.

5. This petition is, therefore, disposed of by appointing Mr. Justice R.P. Nagrath, a former Judge of this Court, as the sole arbitrator.

30.10.2015
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(S. J. VAZIFDAR)
ACTING CHIEF JUSTICE