

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

**Arbitration Case No. 223 of 2015 (O&M)**  
**DATE OF DECISION: 22.01.2016**

Mechvac Fabricators (I) Pvt. Ltd. .... Petitioner  
versus

Ordnance Cable Factory and another ..... Respondents

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

Present: Mr. KPS Dhillon, Advocate for the petitioner  
Mr. Sudhir Nar, Advocate for respondent Nos. 1 & 2  
..

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

This is an application for appointment of an arbitrator.

2. The parties had entered into an agreement in respect of defence equipments to the respondents. Disputes and differences have admittedly arisen between the parties. Clause-13 is an arbitration clause. The disputes are to be referred by the party concerned to the Director General, Ordnance Factory for appointment of the sole Arbitrator. The petitioner admittedly invoked the arbitration agreement and called upon the respondents to appoint an Arbitrator. The respondents admittedly did not do so. They, in fact, have not done so to date. They have, therefore, forfeited their right to appoint an Arbitrator. It is contended that as the material is to be used in respect of defence equipments, it would be necessary to have an Arbitrator who has technical expertise in the field.

The Arbitrator can always avail the services of an expert in the field while adjudicating the disputes and differences.

3. In the circumstances, the petition is disposed of by appointing Mr. Justice J.S. Narang, a former Judge of this Court as the sole Arbitrator.

22.01.2016  
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**(S. J. VAZIFDAR)**  
**ACTING CHIEF JUSTICE**