

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDI GARH

ARB-78-2016 (O&M)  
Date of decision: - 12.05.2017

D. S. Pannu and Associates Pvt. Ltd.

... Petitioner

Versus

U.T. Engineering Department through its Chief Engineer,  
Chandigarh and others

... Respondents

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

Present: - Mr. Nikhil Handu, Advocate,  
for the petitioner.

Ms. Deepali Puri, Advocate,  
for the respondents.

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S. J. VAZIFDAR, C. J. (ORAL)

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

2. This is one of the cases where the respondents have changed the arbitrators on account of the earlier arbitrator having vacated the office by virtue of which he was appointed as an arbitrator. The petitioner invoked the arbitration clause on 29.09.2003. The Superintending Engineer was appointed as the sole arbitrator. Thereafter, another officer was appointed as a sole arbitrator. There was no progress regarding arbitration. The respondents state that in the year 2008, they appointed the first arbitrator yet again. Even thereafter, nothing was done in the arbitration. This was despite the petitioner's letter dated 23.06.2011.

To date, there has been no progress whatsoever.

3. The petitioner is not precluded from filing this petition merely because it did not issue a notice to the respondents prior to doing so. In any event, this petition has also been pending for over a year. This cannot be permitted to continue. There is every likelihood of the present officer also vacating the office. This could go on interminably.

4. In these circumstances, the petition is disposed of by appointing Mr. Justice Ashok Bhan, former Judge of the Supreme Court of India, as the sole arbitrator. The fees shall be as per the Chandigarh Arbitration Centre (CAC) (Administrative Cost and Arbitrators' Fees) Rules, 2014. The venue shall be the Chandigarh Arbitration Centre.

(S. J. VAZIFDAR)  
CHIEF JUSTICE

12.05.2017

Amodh

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No