

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDI GARH

Arbitration Case No. 27 of 2016 (O&M)  
DATE OF DECISION: 27.05.2016

M/s MCI Management (India) Private Limited

.... Petitioner

versus

M/s New Variety Decorators Private Limited and others

..... Respondents

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

Present: Dr. Ashwini Kumar Bansal, Advocate and  
Dr. Deepak Jindal, Advocate for the petitioners

Mr. Amit Jain, Advocate for the respondents

..

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

CM-11460-CII-2016:

Rejoinder taken on record subject to all just exceptions.

C.M. stands disposed of.

ARB-27-2016:

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

2. The parties at the consortium entered into an agreement dated 01.06.2012. Clause-7 thereof contains an arbitration agreement. The petitioner appointed an Arbitrator. The respondents, however, rejected the same and appointed another Arbitrator. The petitioner did not accept the appointment. The Arbitrator appointed by the respondents, however, entered upon the reference. The authority letter was given by the petitioner to their counsel to

appear before the person appointed by the respondent with respect to its objections and without submitting to the jurisdiction of the arbitral tribunal. This does not constitute an acquiescence in the appointment.

3. The petition is therefore disposed of by appointing Justice Mukul Mudgal, former Chief Justice of this Court, #A-1, Nizamuddin East, New Delhi.

27.05.2016  
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(S. J. VAZIFDAR)  
ACTING CHIEF JUSTICE