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

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Date of decision:04.07.2024

M/S BHADORA INDUSTRIES PVT. LTD. ...PETITIONER

VS.

UTTAR HARYANA BIJLI VITRAN NIGAM LTD. AND ANR
...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Jatinder Pal Singh, Advocate
for the petitioner.

Mr. Deepak Balyan, Advocate and
Mr. Daksh Khatri, Advocate
for the respondents.

SUVIR SEHGAL J. (ORAL)

1. This petition has been filed under Section 11 (6) of the Arbitration and Conciliation Act, 1996, (for short "the Act"), for appointment of an Arbitrator.

2. Counsel for the petitioner submits that a purchase order dated 07.03.2022, Annexure A-1, was placed upon the petitioner and Clause 18, thereof, provides for provision of appointment of an Arbitrator to adjudicate the dispute between the parties. He submits that the material was duly supplied to the respondents to their entire satisfaction,



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however, while making the payment, deductions were made. He submits that as a dispute arose between the parties, petitioner served a legal notice dated 15.08.2023, Annexure A-6, calling upon the respondents to appoint an Arbitrator, but the notice remain unattended.

3. Upon notice by this Court, a short reply has been filed by the respondents, contesting the petition. Respondents have submitted that the deduction from the payment was made as per Clause 11 of the purchase order as the material supplied was found to be defective.

4. Having heard counsel for the parties, this Court is of the view that as neither the arbitration agreement has been disputed nor is there any controversy over the notice invoking the arbitration clause, petition deserves to be accepted and the dispute deserves to be referred to an Arbitrator for determination.

5. Accordingly, petition is allowed. Ms. Justice (Retd.) Navita Singh, a former judge of this Court, Flat No.309, 9th Floor, Jaishree Tower, Swastik Vihar, Sector – 5, MDC, Panchkula, is requested to act as a sole Arbitrator to adjudicate the dispute between the parties.

6. Parties are directed to appear before the learned Arbitrator on a day, time and place to be communicated by him.

7. Liberty is granted to the parties to raise all claims, counter claims, defences, pleas etc. before the Arbitrator.

8. Needless to mention that all the questions arising between the parties in this matter shall remain open for determination in the arbitral proceedings and any observation made hereinabove will not be binding



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on the learned Arbitrator.

9. A request letter alongwith a copy of this order be sent to Ms. Justice (Retd.) Navita Singh.

10. Pending application(s) are disposed of.

04.07.2024

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**(SUVIR SEHGAL)
JUDGE**

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No