

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDI GARH

Arbitration Case No. 149 of 2018 (O&M)
DATE OF DECISION: 05.07.2019

M/s Rajesh Kumar Tour & Travel

.... Applicant

versus

Commissioner, Municipal Corporation, Karnal and others

..... Respondents

CORAM: - HON'BLE MR. JUSTICE KRISHNA MURARI, CHIEF JUSTICE

Present: Shri Parveen Sharma, Advocate for
Shri Pankaj Bali, Advocate for the applicant
Shri Aman Bahri, Advocate for the respondents

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KRISHNA MURARI, CHIEF JUSTICE (Oral):

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

Admittedly, the terms of the agreement between the parties contain an arbitration clause for resolution of disputes between the parties. Learned counsel appearing for the respondents has tried to oppose the prayer for appointment of arbitrator on the ground that having filed a suit seeking declaration of termination of contract, which was subsequently withdrawn, would bar the right of the applicant to get the disputes resolved through arbitrator under the terms of the contract.

In my considered opinion, in view of existence of a specific arbitration clause between the parties, the suit itself was not maintainable and withdrawal of the suit would have no

effect on the rights of the applicant to press for arbitration proceedings.

Accordingly, I hereby appoint Justice Mahesh Grover, a former Judge of this Court, to function as sole Arbitrator for resolution of disputes between the parties. The fee, etc. shall be as may be settled by the parties with the Learned Arbitrator.

Application accordingly stands disposed of.

05.07.2019
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(KRISHNA MURARI)
CHIEF JUSTICE

NOTE:

Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO