

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDI GARH

ARB-89-2014 (O&M)  
Date of decision: - 02.09.2016

M/s Saint Soldier Engineers and Contractors Pvt. Ltd.

... Petitioner

Versus

The Union of India and others

... Respondents

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

Present: - Mr. Hari t Sharma, Advocate,  
for the petitioner.

Mr. Karmi nder Singh, Advocate,  
for the respondents.

\* \* \* \*

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

This is a petition under Section 11(6) of the Arbitration and Conciliation Act, 1996 for the appointment of an arbitrator.

2. The petition had earlier been disposed of as infructuous by an order dated 08.08.2014 on the ground that the arbitrator had already been appointed by the respondents. The petitioner challenged this order by filing a Petition for Special Leave to Appeal before the Supreme Court which was disposed of as withdrawn by an order dated 07.09.2015 with liberty to file a review petition. The petitioner accordingly filed Review Application No. 225-CII-2015 which I allowed by my order dated 18.03.2016.

3. It is in these circumstances that the petition is heard afresh.

4. The petitioner had admittedly served notices of demand dated 21.10.2013, 27.02.2014 and 22.03.2014 in respect

of the disputes and differences that had arisen between the parties. The petitioner had in these notices also invoked arbitration. The respondents, however, did not appoint an arbitrator. Ultimately, the petitioner filed the present petition in which notice of motion was issued on 28.05.2014. It was only thereafter that by a letter dated 01.08.2014 an arbitrator was sought to be appointed by the respondents in exercise of their rights under the arbitration clause. However, the respondents not having appointed an arbitrator from 21.10.2013 and in any event after the notice dated 22.03.2014 have forfeited their right to appoint an arbitrator.

5. The petition is, therefore, disposed of by appointing Mr. B. R. Gupta, a retired District Judge, as the sole arbitrator.

(S. J. VAZIFDAR)  
CHIEF JUSTICE

02.09.2016

Amodh

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