

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Arbitration Case No. 34 of 2015
Date of Decision: 15.05.2015

M/s Real Power Utility ..Petitioner

Versus

Dakshin Haryana Bijli Vitran Nigam Ltd. and another ..Respondents

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

Present : Mr. Vivek Khatri, Advocate, for the petitioner.
Mr. P.S.Rana, Advocate, with
Mr. G.S.Rana, Advocate, for the respondents.

S.J.VAZIFDAR A.C.J. (Oral)

This is an application filed under Section 11(6) of the Arbitration & Conciliation Act, 1996 for appointment of sole Arbitrator to adjudicate upon the disputes between the parties.

2. By a letter dated 22.01.2015, the petitioner called upon the respondents to appoint an Arbitrator. According to the petitioner, the letter dated 22.01.2015 was received by the respondents on 23.01.2015. The respondents appointed the Arbitrator on 24.01.2015. The present application was filed by the petitioner on 23.02.2015.

3. It is contended on behalf of the petitioner that in view of delay of one day, the respondents have lost the right to appoint the Arbitrator. It is highly doubtful that there was a delay of even one day. This is assuming that the period of 30 days is sacrosanct. It is doubtful whether the date on which the communication is received ought to be considered at all. If it is not considered, there would be no delay. In these circumstances, even assuming that there was a technical delay of one day, it will be unfair to deprive the respondents its entitlement under Clause 56 of the agreement. In that case, in any event, I would appoint the same person as an Arbitrator.

The application is accordingly disposed of by confirming the Arbitrator already appointed by the respondents.

(S.J.VAZIFDAR)
ACTING CHIEF JUSTICE

15.05. 2015

'ravinder'