

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

ARB No.93 of 2016(O&M)

DATE OF DECISION: March 03,2017

M/s Sarwan Singh Dhiman and sons

...Petitioner

versus

Youth Welfare Club Coop. Building Society Ltd.

...Respondent

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

Present: Mr.Abnes Singh, Advocate for the petitioner.  
Mr.P.M. Kansal,Advocate for the respondent.

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

CM is allowed.

Written statement is taken on record.

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

The parties admittedly entered into an agreement which contains the arbitration clause 6.33 which reads as under:

“If any dispute arises and persists between the owner and the contractor. The same shall be referred to the Sole Arbitrator viz. President of Youth Welfare Club Co-operative House Building Society Ltd., whose award on such disputes shall be final and binding between the both parties.”

The President of the respondent is directly concerned with the execution of the contract and, therefore, cannot be appointed as Arbitrator.

The petition is, therefore, disposed of by appointing Mrs.Bakshish Kaur (Retd.) former Judge of this Court, as the sole Arbitrator.

It is desirable for the parties to try and settle the disputes through mediation. For that purpose, the parties are directed to appear in the first instance before the Mediation and Conciliation Centre, High Court at 11.00 a.m. on 17.3.2017 and thereafter as directed by the Mediator. In the event of the matter being settled, the order appointing the Arbitrator would not operate and in the event of the disputes not being settled by 30.4.2017, the Arbitrator shall enter upon the reference and proceed accordingly.

Disposed of.

March 03,2017  
KD

(S.J. VAZIFDAR)  
CHIEF JUSTICE

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