

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Arbitration Case No. 116 of 2014 (O&M)

Date of Decision: 16.01.2015

M/s Shiv Probuild Pvt. Ltd.

..Petitioner

Versus

Municipal Corporation, Gurgaon and another

..Respondents

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

Present : Mr. Pritam Saini, Advocate, for the petitioner.
Mr. Arvind Seth, Advocate, for the respondents.

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

This is a petition filed under Section 11(6) of the Arbitration and Conciliation Act, 1996 (for short 'the Act') for appointment of a sole Arbitrator in accordance with Clause 25(A)(1) of the agreement (Annexure A-1) entered into between the parties.

2. The Arbitration agreement is admitted between the parties.

3. The petitioner by a letter dated 15.04.2014 requested the respondents to appoint an Arbitrator in exercise of its powers under the said Clause. On 15.04.2014 the above petition was filed by the petitioner. The respondents appointed the Arbitrator on 17.07.2014.

4. In the facts of this case, there was no delay on the part of the respondents in appointing the Arbitrator. Infact, under the arbitration clause, in the first instance, the disputes ought to have been referred to the Executive Engineer In-charge of the Work. The Executive Engineer In-Charge had 60 days to convey his decision. Thereafter, the petitioner had another sixty days to request the Chief Engineer to refer the disputes to arbitration. Had the petitioner followed the above course, this would

have taken the parties to mid August-2014. Thus, there is no delay in appointment of the Arbitrator.

5. Learned counsel appearing on behalf of the respondents states that the Arbitrator has already been appointed in accordance with Clause 25(A) of the Arbitration Agreement.

6. In the circumstances, the petition is disposed of by holding that the disputes and differences stand referred to the Arbitrator appointed by the respondents.

(S.J.VAZIFDAR)
ACTING CHIEF JUSTICE

16.01.2015

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