

**IN THE PUNJAB AND HARYANA HIGH COURT
AT CHANDIGARH**

Arbitration Case No.124 of 2012 (O&M)

Date of Decision: 06.02.2015

M/s Spurt Projects Pvt. Ltd.

..Petitioner

Vs.

Balbir Singh

..Respondent

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

Present: Mr. Aashish Chopra, Advocate for the petitioner.

None for the respondent.

S.J. VAZIFDAR, ACTING CHIEF JUSTICE (ORAL)

Legal Representatives of respondent Balbir Singh have been served by way of substituted service but no one has appeared on behalf of the respondents.

This is an application under Section 11 (6) of the Arbitration and Conciliation Act, 1996 for appointment of an Arbitrator in view of the respondents having failed and neglected to appoint an Arbitrator despite having been called upon to do so by the petitioner. The parties have entered into an agreement dated 21.2.2007.

Clause 21 reads as under:

“Arbitration

21.1. All disputes and differences which may arise between the parties hereto and which cannot be settled amicably with regard to the construction, meaning and effect of this Agreement or any part thereof or in any way related to or pertaining thereto shall be resolved by having recourse to arbitration with the pertaining thereto shall be resolved by having recourse to arbitration with the Owner/Developer's right to give the name of two Arbitrators who

shall jointly act as the Presiding Arbitrator, in accordance with the provisions of the Arbitration and Conciliation Act, 1996. The award made by such Arbitral Tribunal shall be final and binding on the parties hereto and this Agreement shall be deemed to be a submission to Arbitration within the meaning of the said act including any statutory modification and/or re-enactments thereof from time to time.

21.2. The venue of arbitration shall be Delhi and the jurisdiction will be of the courts in Delhi. It is further agreed that the Arbitral Tribunal, if deemed necessary by them, be extended from time to time for making the award and the parties hereto specially consent and agree and confer on the arbitrators the right and power to extend the period of making the award as aforesaid.”

By letter dated 23.8.2012, the petitioner appointed an Arbitrator and called upon the respondents to appoint Arbitrator. The respondents having failed to do so, the present petition has been filed.

Accordingly, with the consent of the parties, Mr. Justice Mukul Mudgal, Retired Chief Justice, Punjab and Haryana High Court, Chandigarh, is hereby appointed as a sole Arbitrator. The Arbitrator shall fix his own terms including his fee.

The petition stands disposed of.

06.02.2015

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(S.J. VAZIFDAR)
ACTING CHIEF JUSTICE