

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

ARB-134-2014

Date of decision:- 27.02.2015

Dr. Mukesh Verma

...Petitioner

Versus

Eagle Medical Systems Pvt. Ltd.

...Respondent

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

Present: Mr. Rajender Chhokar, Advocate,
for the petitioner.

Mr. Chetan Mittal, Senior Advocate,
with Mr. Mohinder Nain, Advocate,
Mr. Udit Garg, Advocate,
and Mr. Mayank Agarwal, Advocate,
for the respondent.

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

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

2. The parties had entered into an agreement clause 28 whereof reads as under:-

“28. Any dispute/court matters related to Mahindra Hospital would have no involvement of Eagle Stone & Kidney Care Centre. However, the disputes if any between the parties arising out of or in relation to or touching up on or incidental to this agreement shall be settled by arbitration at Delhi under the provisions of the Arbitration and Conciliation Act, 1996.”

3. The petitioner contends that the arbitration ought not to be held in Delhi.

4. It is not possible to pass an order contrary to the arbitration clause.

The learned counsel appearing on behalf of the petitioner states that the

hospital is situated in Yamuna Nagar, Haryana and the respondent's address is not even mentioned in the agreement which contains the arbitration clause. That however is irrelevant on the question of altering a term in the arbitration agreement regarding the arbitration being in Delhi.

5. The fact that the respondent has filed a petition under Section 9 of the Act in the District Courts at Yamuna Nagar does not entitle me to direct the arbitration proceedings to be held at a place other than Delhi as it is contrary to the arbitration clause.

6. The petition is disposed of by appointing Sh. S.L. Khanna, Flat No. 1164, Sector-A, Pocket-A, Vasant Kunj, New Delhi as the sole arbitrator. The arbitrator shall fix his own fee.

(S.J. VAZIFDAR)
ACTING CHIEF JUSTICE

27.02.2015
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