

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Arbitration Case No. 171 of 2014 (O&M)
Date of Decision: 03.07.2015

M/s Parveen Kumar

..Petitioner

versus

Union of India and others

..Respondents

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

Present : Mr. Lalit K.Gupta, Advocate, for the petitioner.
Mr. Vivek Singla, 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 and differences between the parties.

2. The arbitration agreement is admitted. Infact on 24.10.2013 an Arbitrator was appointed. The Arbitrator entered upon reference on 01.11.2013. The petitioner submitted its statement of claim on 31.12.2013. Under the agreement, the award had to be made and published on or before 30.04.2014. The Arbitrator was unable to complete the proceedings and therefore, sought consent of the parties for extension of time. The petitioner refused to give consent for extension of time on the ground that he has no faith in the Arbitrator. Be that as it may the mandate of the Arbitrator came to an end and on 14.06.2014 the proceedings were terminated by the Arbitrator. It is in these circumstances, that this application has been filed for appointment of another Arbitrator.

3. It was contended on behalf of learned counsel for the respondents that the petition is not maintainable and in support of his

contention he has relied upon a judgment of the Apex Court in case *Lalit Kumar V. Sanghavi v. Dharamdas V.Sanghavi and others (2014) 7 SCC 255*. The judgment is not relevant. The Supreme Court in that case held that the question whether the mandate of the Arbitrator stood legally terminated or not can be examined by the Court “as provided by Section 14(2) of the Act”. In the present case, the legality of the termination of the arbitration proceedings has not been questioned by the parties. It has infact been accepted.

4. Accordingly, the petition is disposed of and the Arbitrator shall be appointed by the respondents in accordance with Clause 70 of the agreement by 31.07.2015, failing which it will be open to the petitioner to make an application in this petition itself for an Arbitrator named by the Court.

03.07.2015
'ravinder'

(S.J.VAZIFDAR)
ACTING CHIEF JUSTICE