

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

ARB-192-2014 (O&M)
Date of decision:- 10.07.2015

M/s KCC Buildcon Pvt. Ltd.

...Applicant

Versus

State of Haryana and others

...Respondents

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

Present: Mr. Naresh Markanda, Senior Advocate,
with Ms. Kavita Markanda, Advocate,
for the applicant.

Mr. Rahul Dev Singh, Deputy Advocate General, Haryana.

Mr. Naveen Kaushik, Advocate,
for respondents No. 2 and 3.

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

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

2. The parties have entered into an agreement clause 67 whereof contains an arbitration agreement. The applicant referred the same in the first instance to the Engineer. On being dissatisfied with the decision of the Engineer, the applicant invoked the arbitration clause. Even assuming that no attempts were made for amicable settlement under clause 67.2, a period of 56 days after the notice of intention to commence arbitration was given has expired.

3. By a letter dated 20.08.2014, the applicant nominated an arbitrator and called upon the respondents to nominate an arbitrator. Under the arbitration agreement, if one of the parties fails to appoint an arbitrator within 30 days of the receipt of the notice of the appointment of the arbitrator by the other party, the Principal Secretary/Secretary to Government of Haryana, Public Works (B&R) Department is to appoint the

arbitrator. The arbitrators must possess minimum educational qualification of degree in Civil Engineering. However, the respondents have failed to appoint the arbitrator to date.

4. In these circumstances, the application is disposed of by appointing Mr. Padam Parkash Aggarwal, retired Chief Engineer (Civil), B-126, MIG Ashiyana Phase-1, MDA Colony, Moradabad as the sole arbitrator on behalf of the respondents.

5. The arbitrators shall proceed accordingly.

(S.J. VAZIFDAR)
ACTING CHIEF JUSTICE

10.07.2015
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