

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Arbitration Case No. 201 of 2014

Date of Decision:27.02.2015

M/s A.D.Global

..Petitioner

versus

Pepsu Road Transport Corp. Patiala and others

..Respondents

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

Present : Mr. Saurabh Bajaj, Advocate, for the petitioner.
Mr. Anupam Singla, Advocate, for the respondents.

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

The parties had entered into an agreement for advertisement on the respondents' buses which contains the following arbitration clause:-

“All the disputes and differences arising out in any ways touching or concerning this deed whatsoever shall be referred to the sole Arbitrator the Chairman, PEPSU Road Transport Corporation, Patiala, acting as such at the time of the reference. There will be no objection to such appointment that the arbitrator so appointed as a Government/Corporation servant relates and that in the course of his duties as such Government/Corporation servant he has expressed his views on all or any of the matters in dispute. The award of such arbitrator shall be final and binding on the parties to the agreement.”

2. The petitioner had earlier made a claim. In the first reference, the petitioner claimed that the total number of buses as agreed were not provided for fixing the advertisement. The Arbitrator noted that the petitioner-claimant had failed to appear. The Arbitrator by an award dated 10.05.2012 dismissed the claim inter-alia as the petitioner had not remained present.

3. Thereafter, the respondents terminated the contract and forfeited the amount deposited by the petitioner. This is, therefore, a fresh reference in respect of the claim that has arisen after the earlier award.

4. Accordingly, the petition is disposed of by appointing the Chairman, Pepsu Road Transport Corporation, Patiala as sole Arbitrator to adjudicate upon the disputes and differences between the parties.

27.02.2015
'ravinder'

(S.J.VAZIFDAR)
ACTING CHIEF JUSTICE