

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Arbitration Case No. 212 of 2014

Date of Decision: 24.04.2015

M/s Balaji Rice Mills.

..Petitioner

Versus

Punjab State Coop. Supply & Marketing Federation Ltd. and another

..Respondents

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

Present : Mr. Ashok Kumar Khunger, Advocate, for the petitioner.
Mr. H.S.Lalli, 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 an Arbitrator to adjudicate upon the disputes between the parties.

2. The arbitration clause is admitted.

3. The issue of limitation in this case is not an open and shut case. The agreement is dated 04.10.2008. The arbitration clause was invoked on 18.08.2011. The correspondence continued even thereafter. The invocation of the arbitration clause, if made, by the letter dated 18.08.2011, is within the period of limitation. Whether the letter was received or not is a disputed question of fact which the Arbitrator can always go into.

4. In the circumstances, the petition is disposed of by directing the respondent-Managing Director to enter upon the reference as sole Arbitrator or to appoint any person in accordance with Clause 25 of the agreement. The same shall be done in writing by the respondents addressed to the petitioner latest by 15.05.2015. All the issues between the parties including limitation are kept open to be decided by the learned Arbitrator.

24.04. 2015

'ravinder'

(S.J.VAZIFDAR)
ACTING CHIEF JUSTICE