

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

ARB-218-2014 (O&M)

Date of decision:- 03.07.2015

M/s Rajshree Rice Mills

...Applicant

Versus

State of Haryana and others

...Respondents

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

Present: Mr. Sanjiv Gupta, Advocate,
for the applicant.

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

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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 respondents in their affidavit and reply have not denied the existence of the agreement or of the arbitration clause contained therein. The contention that the arbitration was not invoked within one year is not well founded. The arbitration clause, namely, clause 26 required the demand for arbitration to be made within one year of the date of completion or expiry of the period of the contract. The date of completion was 30.09.2014. The demand for arbitration was made on 29.10.2014. As per clause 26, all the disputes and differences are to be referred to the sole arbitration of the Director Food and Supplies, Haryana/Managing Director of the agency or any person appointed by them.

3. In view of the above facts, I did not consider it necessary to allow the applicant's application for an adjournment to file a replication. The merits of the matter are not relevant.

4. The application is, therefore, disposed of by directing the respondents to appoint an arbitrator in accordance with clause 26 and to inform the applicant of the same latest by 10.08.2015. In the event of the respondents having failed to do so, the applicant is at liberty to make an application in this application itself for having an arbitrator named by this Court.

(S.J. VAZIFDAR)
ACTING CHIEF JUSTICE

03.07.2015

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