

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

ARB-97-2013 (O&M)

Date of decision:- 08.05.2015

M/s Trehan Construction Engineering and Govt. Contractor

...Petitioner

Versus

Union of India and another

...Respondents

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

Present: Mr. Dheeraj Mahajan, Advocate,
for the petitioner.

Mr. Sandeep Vermani, Advocate,
for the respondents.

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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 arbitration clause is admitted. It is Clause 63 of the general terms and conditions. The respondents contend that some of the claims are excepted matters and the arbitrator would not be entitled to adjudicate the same. It would always be open to the respondents to raise this contention before the arbitrator. If, in view of the arbitration clause, the arbitrator lacks inherent jurisdiction to adjudicate upon the claims and yet do so, it is further open to the respondents to challenge the award, if any, even on that basis.

3. Subject to the aforesaid clarification, the petition is disposed of by appointing Mr. Ajay Kumar Sharma, retired District & Sessions Judge, H. No. 41, Wndsor Park, Gulab Devi Road, Near DAV Engineering College, Jalandhar as the sole arbitrator.

**(S.J. VAZIFDAR)
ACTING CHIEF JUSTICE**

08.05.2015