

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

ARB-50-2015 (O&M)
Date of decision:- 17.07.2015

M/s Bigjos Infraestate Ltd.

...Applicant

Versus

M/s Landmark SEZ City Planner Pvt. Ltd. and another

...Respondents

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

Present: Mr. Sourabh Goel, Advocate,
for the applicant.

None 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 (in short the Act) for the appointment of an arbitrator.

2. The parties had entered into an agreement dated 23.04.2012 clause 34 whereof contains an arbitration agreement. Clause 34 of the agreement reads as under:-

“34. That all disputes and differences touching or arising out of or in connection with this agreement or interpretation of the provisions of this agreement shall be subject to the Indian Arbitration Act, 1940 and shall be referred to the Joint Arbitrators of the first and the second party who shall appoint a third arbitrator at New Delhi. The award given by the arbitrators shall be final and binding on both the parties. The unresolved disputes if any shall be referred to the Hon'ble Courts having inherent jurisdiction.”

The above clause inadvertently refers to the Indian Arbitration Act, 1940.

3. The respondents had filed Civil Suit No. CS-352-2014 before the Court of Civil Judge (Junior Division), Ganaur, District Sonapat. The applicant had filed an application under Section 8 of the Act which was allowed. The agreement and the arbitration clause, therefore, stand established. The applicant by a notice dated 14.08.2014 nominated an arbitrator. The respondents have failed to nominate the arbitrator.

4. In these circumstances, the application is disposed of by appointing Justice Mukul Mudgal, former Chief Justice of this Court, now residing at #A-1, 2nd Floor, Nizammudin East, New Delhi as the arbitrator. The said arbitrators shall appoint the presiding arbitrator.

(S.J. VAZIFDAR)
ACTING CHIEF JUSTICE

17.07.2015
Amodh