

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

ARB-72-2014 (O&M)

Date of decision:-23.01.2015

M/s K.C. Sharma, Neeraj Sharma & co-owners through its
Managing Director, K.C. Sharma, # 1511, Sector 34-D,
Chandigarh.

...Petitioner

Versus

The State of Haryana and another

...Respondents

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

Present: Mr. Sachin Gupta Ladwa, Advocate,
for the petitioner.

Mr. Jatinder Sharma, Advocate,
for respondent No. 2.

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S.J. VAZIFDAR, A.C.J. (ORAL)

This is an application under Section 11 of the Arbitration and
Conciliation Act, 1996 for appointment of an arbitrator in accordance with
clause 10 of the agreement between the parties which reads as under:-

*“10. In the event of any dispute arising
between the parties pertaining to this
agreement the same shall be referred to the
arbitrator for adjudication as per provisions
of Arbitration and Conciliation Act, 1996,
who shall be the Managing Director of party
No. 1 and his/her decision shall be final and
binding on the parties to this agreement.”*

2. The petitioner had earlier also invoked arbitration in respect of the
disputes that were pending at that stage. The arbitrator made and published
the award dated 09.10.2009 which was challenged by both the parties.

3. The fact that an arbitrator had been appointed earlier in respect of
the disputes which had arisen at that stage does not preclude the parties from
seeking a reference in respect of the disputes that arose thereafter. There are
other disputes also which had arisen between the parties after the previous

reference to arbitration in respect of the disputes and differences other than those now sought to be referred. By a letter dated 17.02.2011, the respondents demanded a sum of ₹ 5,11,031/-. By the said letter it is stated that they had recovered a sum of ₹ 4,41,000/- from the subsequent amounts due by them to the petitioner towards rent for the months of November and December, 2010. The respondents demanded the balance amount of ₹ 70,031/-. The petitioner contends that the recovery was wrongful and seeks to recover the same by invoking the arbitration proceedings.

4. In these circumstances, the petition is disposed of by appointing the Managing Director of the respondent No. 2 to be the sole arbitrator.

5. No order as to costs.

(S.J. VAZIFDAR)
ACTING CHIEF JUSTICE

23.01.2015
Amodh