

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

ARB-94-2015 (O&M)

Date of decision:- 27.11.2015

M/s B.R. Enterprises

...Petitioner

Versus

F.C.I. through its Sr. Regional Manager, Punjab, Sector 34-A,
Chandigarh and others.

...Respondents

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

Present: Mr. Tarundeep, Advocate,
for Mr. D.S. Pheruman, Advocate,
for the petitioner.

Mr. K.K. Gupta, Advocate,
for the respondents.

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

This is a petition under Section 11 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 15.03.1996.

Admittedly, the agreement contains an arbitration clause.

3. The petitioner had filed a suit for recovery of their dues. The respondents filed an application under Section 8 of the Act contending that the disputes and differences ought to be referred to arbitration. The interim applications in the suit were carried to this Court. The learned Single Judge by an order dated 16.11.2012 recorded that the parties had agreed to refer the disputes to arbitration. The learned Single Judge directed the trial Court to proceed in accordance with law in this regard.

4. The trial Court referred the parties to arbitration in accordance with the order of this Court dated 16.11.2012, but directed the parties to file an

application under Section 11 for the appointment of an arbitrator. It is in these circumstances that the present petition has been filed.

5. The petition is disposed of by appointing Mr. Justice G.C. Garg, retired Judge of this Court as the sole arbitrator.

6. Needless to add that all the contentions including the limitation shall be decided by the arbitrator.

(S.J. VAZIFDAR)
ACTING CHIEF JUSTICE

27.11.2015

Amodh