

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

Civil Revision No.305 of 2013

Date of decision: 29.09.2015

M/s Gawar Construction Company

... Petitioner

versus

State of Haryana and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Vivek Khatri, Advocate,
for the petitioner.

Mr. Ram Tilak Redhu, DAG, Haryana.

K. Kannan, J. (Oral)

The plaintiff has adopted an unknown procedure of having filed a suit and seeking for reference to arbitration under Section 8 of the Arbitration and Conciliation Act, 1996. If there is an arbitral agreement and the defendant is not willing for a reference to arbitration, the procedure will be to apply under Section 11 before the Chief Justice for reference to arbitration. The matter will be considered at that time whether there existed arbitral agreement and whether an Arbitrator would have to be appointed. Section 8 procedure cannot be invoked by the plaintiff himself. The revision petition is dismissed with the liberty as aforesaid.

**(K.KANNAN)
JUDGE**

29.09.2015

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