

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

CWP No. 2536 of 2015 (O & M)

Date of decision: 13.10.2015

Madan Kharbanda

....Petitioner(s)

Versus

Union of India and others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA

Present: Mr. Jatinder Nagpal, Advocate, for the petitioner.

G.S.SANDHAWALIA, J. (Oral)

C.M. No. 5590 of 2015

Application for placing on record Annexure P-7 is allowed,
subject to all just exceptions.

The same is taken on record.

CWP No. 2536 of 2015

Challenge in the present writ petition is to the appointment of the three arbitrators by the respondent-Northern Railways vide letter dated 23.04.2014 (Annexure P-6).

It is not in dispute that the petitioner had himself approached this Court seeking appointment of an Arbitrator in Arbitration Case No. 35 of 2009 and a direction was issued on 17.03.2011 (Annexure P-3). The respondents having appointed three arbitrators as per the demand raised in view of clause 64 cannot now be objected to by the petitioner who only seeks redressal of his dispute by the said appointment and awaits a decision for his claim. Even otherwise, a period of more than 1-1/2 years has expired since the said order was passed and nothing has been mentioned as to why the said order was not challenged till the filing of the petition which first came up for hearing in February, 2015.

In such circumstances, there is no scope for interference and the present writ petition is dismissed.

Needless to say that the said arbitrators shall proceed to decide the issue expeditiously as there has been sufficient delay.

13.10.2015
shivani

(G.S. SANDHAWALIA)
JUDGE