

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

ARB-121-2015 (O&M)

Date of decision:- 05.02.2016

Manshi Interiors Pvt. Ltd.

...Petitioner

Versus

M/s Pavitra Milk Products Pvt. Ltd.

...Respondent

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

Present: Mr. Narender Pal Bhardwaj, Advocate,
for the petitioner.

Mr. Gaurave Bhayyia, Advocate,
for the respondent.

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

This is a petition under Section 11(6) of the Arbitration and Conciliation Act, 1996 for the appointment of an arbitrator.

2. The parties admittedly entered into the contract for civil and interior works clause 1.34 whereof reads as under:-

“1.34 Arbitration

All disputes between the parties to the contract shall, after written notice by either party to the contract, to the other of them, be referred for arbitration to sole arbitrator to be appointed by the Pavitra Milk Products Pvt. Ltd. The arbitral proceedings will be conducted under the provisions of Indian Arbitration Act, 1940, with any amendments and enactments thereof. The proceedings will be conducted at the premises of Pavitra Milk Products Pvt. Ltd. at their office. The jurisdiction will lie with the Courts at Gurgaon”

3. The disputes and differences having arisen between the parties, the petitioner invoked the arbitration clause by a notice dated 12.12.2014. The respondent has not appointed an arbitrator to date. It has, therefore, forfeited its right to appoint an arbitrator.

4. The petition is, therefore, disposed of by the following order:-

(i) Sh. Lakshman Sharma, District Judge (Retired), Haryana, is appointed
as the sole arbitrator.

(ii) The proceedings shall be conducted at the Chandigarh Arbitration Centre. The arbitrator, however, shall not enter upon reference upto and including 31.03.2016 to enable the parties to try and resolve their disputes through mediation.

(iii) The parties shall approach the High Court Mediation Centre at 11.00 AM on 15.02.2016 and thereafter as directed.

(S.J. VAZIFDAR)
ACTING CHIEF JUSTICE

05.02.2016
Amodh