

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

ARB-152-2015 (O&M)

Date of decision:- 22.01.2016

M/s Ganesh Coop. L/C Society Ltd.

...Petitioner

Versus

State of Haryana and another

...Respondents

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

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

Mr. Rahul Dev Singh, Deputy Advocate General, Haryana.

* * * *

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

This is a petition for the appointment of an arbitrator.

2. The parties had entered into a construction contract. Clause 25 A thereof contains an arbitration agreement. Under clause 25 A(2), the disputes are to be referred to the sole arbitration of any serving Director of Fisheries, Haryana. However, in the present case, the petitioner's claim has been rejected by the Director of Fisheries, Haryana himself. The petitioner had invoked the arbitration clause by a notice dated 24.06.2015. The respondents by their reply rejected the application, inter alia, on the ground that the claim is barred by limitation.

3. In the facts of this case, the question of limitation also ought to be left for the decision of the arbitrator. Although the work was to be completed by the year 2007, it stood extended from time to time. By a letter dated 05.04.2011, the respondents requested the petitioner to complete the work and to remove the errors found in the work with the help of Fisheries Farm Manager, Damdama and inform the directorate thereafter so that the

procedure of payment could be done. It will be necessary for the arbitrator to decide whether the contract stood extended and if so to what date while considering the question of limitation.

4. In these circumstances, the petition is disposed of by appointing Mr. B.M. Bedi, retired District & Sessions Judge, Haryana, as the sole arbitrator.

(S.J. VAZIFDAR)
ACTING CHIEF JUSTICE

22.01.2016
Amodh