

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

ARB-166-2015 (O&M)

Date of decision:- 22.01.2016

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

...Petitioner

Versus

Haryana State Warehousing Corporation and another

...Respondents

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

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

Mr. Jitendra Sharma, Advocate,
for the respondents.

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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 whereof contains an arbitration agreement. The disputes and differences have arisen between the parties. Under clause 25A, the reference to arbitration is to be made within 180 days of the final payment. The final payment was made on 17.11.2011 and the reference was made on 04.07.2012 i.e. after over 180 days. However, a learned Judge of this Court in *Sunil Goyal Vs Haryana State Agriculture Marketing Board and others* 2011(3) RCR (Civil) 36 has held that a claim for reference even beyond the period of 180 days would not deprive the petitioner the rights of having the disputes referred to arbitration in view of Section 28 of the Contract Act, 1872.

3. 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