

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Arbitration Case No.219 of 2015 (O&M)
DATE OF DECISION: 11.03.2016

M/s Tibba Danasher Co-op L/C Society Limited

....Applicant

versus

State of Haryana and others

.....Respondents

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

Present: Mr. Vivek Khatri, Advocate for the applicant

Mr. Rahul Dev Singh, DAG, Haryana

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S.J. VAZIFDAR, ACTING CHIEF JUSTICE (Oral):

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

2. The agreement and the arbitration clause contained therein are admitted. As per the same, Chief Engineer/Coordination: HID or any other Chief Engineer, as appointed by the Government for this purpose, will act as an Arbitrator.

3. Disputes and differences have arisen between the parties. Whether the claims are maintainable or not is also a dispute which the Arbitrator must decide.

4. The petitioner by a letter dated 10.09.2015 invoked the arbitration clause. Notice on this petition was issued on 04.12.2015. The respondents purported to appoint an Arbitrator only thereafter. The respondents have, therefore, forfeited their right to appoint an Arbitrator.

5. Mr. Justice V.K. Jhanji, a former Judge of this Court, is appointed as the sole Arbitrator to decide the disputes and differences between the parties. The venue of arbitration shall be the High Court Arbitration Centre. The Arbitrator shall, however, not proceed unless and until the petitioner deposits two per cent of the claim amount as per the arbitration clause.

6. The petition is accordingly disposed of.

11.03.2016
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(S.J. VAZIFDAR)
ACTING CHIEF JUSTICE