

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

ARB No.23 of 2016 (O&M)
Date of Decision : 02.09.2016

M/s Kumar Construction Company

..... Petitioner

versus

State of Haryana and others

..... Respondents

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

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

Mr. Deepak Balyan, Additional Advocate General, Haryana.

S.J.VAZIFDAR, CHIEF JUSTICE (Oral)

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

2. A similar petition was filed being Arbitration Case No.149 of 2014 (O&M) in which by an order dated 03.07.2015 I directed the respondents to appoint an arbitrator in accordance with Clause 25 of the agreement by 15.08.2015, failing which I held that it will be open to the applicants to make an application in that application itself for having an arbitrator named by the Court. The respondents did not appoint an arbitrator on 15.08.2015. It is important to note, however, that by that order I had further directed that the respondents would be bound to comply with the order only after the deposit of the security deposit as required by the

contract. The petitioner had admittedly failed to deposit the security deposit as required by the contract. The question, therefore, of the respondents appointing an arbitrator pursuant to the order dated 03.07.2015 does not arise at this stage.

The petition is, accordingly, dismissed.

September 02, 2016
jt

(S.J. VAZIFDAR)
CHIEF JUSTICE

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No