

224.

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

Civil Revision No.4055 of 2014

Date of decision:01.03.2016

M/s Sangam Cinema, opposite Bus Stand, Amritsar ... Petitioner

versus

Amritsar Improvement Trust, Amritsar

.... Respondent

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. A.P.S. Sandhu, Advocate,
for the petitioner.

Mr. Karan Vir Singh, Advocate,
for Mr. Jasdep Singh Toor, Advocate,
for the respondent.

1. Whether reporters of local papers may be allowed to see the judgment ? No.
2. To be referred to the reporters or not ? No.
3. Whether the judgment should be reported in the digest ?No.

K.Kannan, J. (Oral)

1. In an application for extension of time for passing the award under Section 28 of the Arbitration Act of 1940, the point that required consideration was whether the particular Arbitrator before whom the evidence was tendered was not any longer in service, could the arbitration continue with the same person or yet another person require to be appointed? In this case, the arbitral clause makes reference to an incumbent in office, namely, the office of the Commissioner, Jalandhar Division. This point has come up for

consideration before this court in two cases in **Daulat Ram Rala Ram Versus State of Punjab-AIR 1958 (Punjab) 19** and **Bachna Ram Sawan Ram Versus The State of Punjab-AIR 1962 (Punjab) 85** that have held that if the nomination of Arbitrator is not by name but by virtue of office, on the transfer or retirement of such officer, his successor is entitled to take place of the Arbitrator. The same view has also been expressed by the Division Bench of Calcutta High Court in **Nirmal Kumar Banerjee Versus Ordnance Factories Directorate Cooperative Credit Society Limited-1980(2) CalLJ 67.**

2. There shall be extension of time for a further period of 2 months for hearing the arguments and passing the award. The period of 2 months will commence from the date when the first date is fixed for appearance of parties for hearing arguments.

3. Revision petition is allowed on the above terms.

(K.KANNAN)
JUDGE

01.03.2016
sanjeev