

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

FAO No. 1171 of 2016(O&M)
Date of decision : February 17, 2016

M/s UBI Tech Pvt. Ltd.

..... Appellant

Versus

Punjab State Power Corporation Limited and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Gautam Dutt, Advocate
for the appellant.

1. Whether reporters of local papers may be allowed to see the judgment ?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

Amit Rawal, J (oral).

The appellant is aggrieved of dismissal of the application filed under Section 9 of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as 'the Act') on the ground that during the interregnum the arbitrator has been appointed on 4.12.2015.

Learned counsel appearing on behalf of the appellant submits that power of the court under Section 9 of the Act envisages three situations; before, during and after the enforcement of the award. However, this aspect of the matter had been ignored by the court below.

I have heard learned counsel for the appellant and appraised the paper book and of the view that since the arbitrator

has already been appointed on 4.12.2015, the appellant shall be at liberty to move application for interim order and in case, such an application is moved, the arbitrator so appointed, shall decide the same as expeditiously as possible, preferably within a period of one month from the date of receipt of the application.

It is not the situation where the arbitrator has recused and there is an impass which would give cause of action to the applicant to invoke jurisdiction under Section 9 of the Act.

With the aforementioned observations, order under challenge is affirmed, the appeal stands disposed of.

(AMIT RAWAL)
JUDGE

February 17, 2016
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