

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

FAO No.5732 of 2013 (O&M)

Date of decision:21.03.2016

M/s Empire Automobiles and another

... Appellant

Vs.

President and CEO Honda Motorcycle and another... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

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

Present:- Mr. Ajit Singh Sodhi, Advocate
for the appellants.

Mr. Harsh Aggarwal, Advocate
for the respondents.

AMIT RAWAL J. (Oral)

The present appeal has arisen out of the dismissal of the petition filed under Section 9 of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as “1996 Act”), seeking an interim injunction against the implementation of impugned order dated 21.02.2011, Annexure P-5. The appellants have challenged the alleged termination, whereas, the respondents have denied the same on the ground that appellants did not comply with the terms and conditions of the dealership agreement, much less, deviated from it.

Without pondering upon the allegations and cross allegations, dealership agreement envisages resolution of dispute through arbitration. For the purpose of filing any claim/counter claim,

if any, both the parties have to submit themselves to the jurisdiction of the Arbitrator. Instead of relegating the parties, to file an application under Section 11(6) of 1996 Act and avoid the costs of litigation, much less, the fact that parties are ad idem to resolve the dispute subject to the fact that respondents take up all possible pleas vis-a-vis jurisdiction and limitation, I appoint Mr. Justice S.S.Nijjar, retired Judge of the Hon'ble Supreme Court as Arbitrator subject to his convenience and acceptance for appointment as an Arbitrator. On receipt of acceptance, he shall enter into reference by calling upon the parties to adjudicate the dispute. Both the parties shall be at liberty to raise their respective claims vis-a-vis jurisdiction and limitation, in accordance with law. It is expected that Arbitrator shall address all pleas including limitation and render award, as per the provisions of New Act 2015.

Appeal in the aforementioned terms stands disposed of.

(AMIT RAWAL)
JUDGE

March 21, 2016
savita