

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Arbitration Application No. 77 of 2016**

The Indure Private Limited Through its Authorized Signatory Shri Sushil Bhatt, age 35 years, S/o Shri Sunder Mani, R/o Flat No. 35D, Pcoket – 1, SRS Pearl Floors, Sector-87, Faridabaad, (U.P.)

---- Petitioner/Applicant**versus**

Vandana Vidhyut Limited a company incorporated under Companies Act, 1956 having its registered office at "Vandana Bhavan, M.G. Road, Raipur, (C.G.)

---- Respondent

For Petitioner : Shri Prasoon Agrawal and Shri Sharad Mishra, Advocates

For Respondent : None

Hon'ble Shri Deepak Gupta, Chief Justice**Order on Board****03/02/2017**

1. This application under Section 11 (6) of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as 'the Act') has been filed by the Petitioner for appointment of Arbitrator.
2. Briefly stated facts of the case are that the Petitioner entered into an Agreement with the Respondent for supplying ash handling system for coal based Thermal Power Project. This Agreement contained an arbitration clause which provides that if any dispute, controversy or claim whatsoever shall arise between the SUPPLIER and the PURCHASER in relation to or in connection with or arising out of this Contract, whether during the progress of the work or after its completion, shall be resolved by mutual consultation. Failing resolution by mutual consultation, then the matter shall be referred to arbitration tribunal consisting of a single Arbitrator, who shall be retired Judge of the High Court.

3. Notice was issued to the Respondent. Despite service of notice, the Respondent has not appeared. From the averments made in the application, it is clear that the Petitioner has invoked the arbitration clause but no response has been received from the Respondent. Disputes have arisen between the parties.
4. Therefore, invoking the jurisdiction under Section 11 (6) of the Arbitration and Conciliation Act, 1996, I hereby appoint Shri Justice Rangnath Chandrakar, residing at Behind Allahabad Bank, In front of Himachal Ice Factory, G.E. Road, Ravigram, Telibanda, Raipur - 492006, a retired Judge of High Court of Chhattisgarh, as Arbitrator in the case.
5. The Petitioner and the Respondent may file their claim/counter-claim before the aforesaid Arbitrator within a period of four weeks from today who is requested to dispose of the matter within the time prescribed in the Arbitration and Conciliation Act, 1996, as amended.
6. The parties are directed to appear before the Arbitrator on 19.03.2017. It is made clear that the parties shall be free to raise all issue before the Arbitrator.
7. Registry is directed to send a copy of this order to Shri Justice Rangnath Chandrakar so as to reach within two weeks from today.
8. The arbitration application stands disposed of.

Sd/-

(Deepak Gupta)
CHIEF JUSTICE