

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Arbitration Case No. 1 of 2017 (O&M)
Date of Decision: 24.03.2017

M/s Kumudini JanghuPetitioner

versus

Commissioner, Municipal Corporation, Gurgaon and others
.....Respondents

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

Present : Mr. Aditya Grover, Advocate, for the petitioner.
Mr. Prateek Mahajan, Advocate, for the respondents.

S.J.VAZIFDAR, CHIEF JUSTICE (ORAL)

This is a petition under section 11(6) of the Arbitration and Conciliation Act, 1996 for the appointment of a sole arbitrator to adjudicate upon the disputes and differences between the parties.

The parties had admittedly entered into a contract, clause 24 whereof contains an arbitration agreement. The clause confers a right upon the respondents to appoint an arbitrator. The petitioner, however, invoked the arbitration clause on 12.09.2016 and filed this petition on 21.12.2016. The respondents purported to appoint the arbitrator only thereafter till February, 2017. The respondents have, therefore, forfeited their right to appoint the arbitrator. The fact that internal communication took place suggesting the name of an arbitrator do not make any difference.

In these circumstances, the petition is disposed of by appointing Mr. R.S.Baswana, former Additional District & Sessions Judge, Haryana, as the sole arbitrator to adjudicate upon the disputes and differences between the parties. The venue of the arbitration shall be the Delhi High Court Arbitration Centre. The fees shall be as per the Chandigarh Arbitration Centre (CAC) (Administrative Cost and Arbitrator’s Fees) Rules, 2014.

24.03.2017
ravinder

(S.J. VAZIFDAR)
CHIEF JUSTICE

Whether speaking/reasoned	Yes/No/
Whether reportable	Yes/No/