

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Arbitration Case No.127 of 2017 (O&M)
DATE OF DECISION: 18.08.2017

M/s Chandigarh Poultry Centre

....Applicant

versus

Union of India and another

.....Respondents

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

Present: Mr. Naresh Markanda, Senior Advocate with
Ms. Kavita Markanda, Advocate for the
applicants/petitioners

Mr. Vipul Aggarwal, Advocate for the respondents

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S.J. VAZIFDAR, CHIEF JUSTICE (Oral) :

This is an application under sections 11(6), 12(5) and the Seventh Schedule of the Arbitration and Conciliation (Amendment) Act, 2015 read with Section 151 CPC for appointment of an Arbitrator.

2. The contract is admitted. The same contains an arbitration clause requiring the disputes and differences to be referred to the sole arbitration of an officer of the respondents which is not permissible in view of the amendment to the Act. Despite the same, an officer was sought to be appointed pursuant to the invocation of the arbitration by the petitioners. The respondents have, therefore, forfeited their right to appoint an Arbitrator.

3. The petition is accordingly disposed of by appointing Justice Pritam Pal Singh, former Judge of this Court as the sole Arbitrator.

The respondents agree to make the premises available for the arbitration proceedings. The fees of the arbitration shall be as per the Chandigarh Arbitration Centre (CAC) (Administrative Cost and Arbitrators' Fees) Rules, 2014.

18.08.2017
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(S.J. VAZIFDAR)
CHIEF JUSTICE

NOTE:

Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO