

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Arbitration Case No.132 of 2017 (O&M)
DATE OF DECISION: 27.10.2017

Er. Pankaj Arora

....Petitioner

versus

Punjab Police Housing Corporation Limited and others

.....Respondents

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

Present: Mr. P.S. Rana, Advocate for the petitioner

Mr. Varun Katyal, Advocate for the respondents

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

CM-22911-CII-2017:

Reply on behalf of respondent Nos.1 to 3 is permitted to be taken on record subject to just exceptions.

C.M. stands disposed of.

ARB-132-2017:

This is an application under Section 11(6) of the Arbitration and Conciliation Act, 1996, for appointment of an Arbitrator.

2. The respondents had, by a notice dated 23.01.2015, invited e-tenders for construction work. The petitioner submitted a tender. By a letter dated 18.02.2015, the respondents informed the petitioner that the work had been allotted to him, *inter alia*, subject to the terms and conditions of the detailed notice inviting tender. The petitioner was called upon to commence the work. The terms and conditions include an arbitration agreement in clause 25.

3. The petitioner commenced the work under the contract. The parties proceeded on the basis that the terms and conditions would apply. This is evident from a letter dated 19.03.2015 addressed by the respondents to the petitioner specifically inviting attention to clause-2 of the terms and conditions. Mere non execution of the formal agreement, therefore, would not make any difference. A contract had been entered into between the parties which contained an arbitration agreement.

4. In the circumstances, the petition is disposed of by appointing Justice S.K. Jain, a former Judge of this Court (*Resi: #1278, Sector 18, Chandigarh*). The venue shall be the Chandigarh Arbitration Centre and the fee shall be as per the Chandigarh Arbitration Centre (CAC) (Administrative Cost and Arbitrators' Fees) Rules, 2014.

27.10.2017
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(S.J. VAZIFDAR)
CHIEF JUSTICE

NOTE:

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