

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Arbitration Case No.134 of 2017 (O&M)
DATE OF DECISION: 18.08.2017

AKM Enterprises Pvt. Ltd.

....Applicant

versus

Savemax Wholesale Club Pvt. Ltd. and another

.....Respondents

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

Present: Mr. Ayush Gupta, Advocate for the
applicant/petitioner

None for the respondents

..

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

This is an application under Section 11(6) of the Arbitration and Conciliation Act, 1996, read with the Scheme of Appointment of Arbitrators by the Chief Justice of Punjab and Haryana High Court, 2003, for appointment of an Arbitrator.

2. The parties had entered into a contract clause 31.3 whereof contains an arbitration agreement. Clause 31.3 and clause 37 of the agreement read as under:-

"31. DISPUTE RESOLUTION

.... ..

31.3 In the event the Dispute is not settled amicably in terms of the clause 35.2 above, then the Dispute shall be referred to an finally resolved by arbitration before an arbitral Tribunal comprising of a sole arbitrator to be appointed with consent of both the parties to this agreement. The arbitration shall be conducted as per the Arbitration and Conciliation Act, 1996 and the rules framed thereunder. The language of the arbitration shall be the English. The

place of Arbitration shall be at New Delhi. Any legal proceedings arising from such arbitration proceedings or relating thereto shall also be instituted in courts at [New Delhi] alone.

37. JURISDICTION

This Lease Agreement and all rights, obligations and liabilities arising under it shall be construed in accordance with the Laws of India. The Parties further agreed that the District Courts of Ludhiana and High Court of Punjab & Haryana at Chandigarh shall have the exclusive jurisdiction to try all or any of the disputes arising out of this Lease Agreement and none other."

3. Disputes and differences having arisen, the petitioner invoked the arbitration clause.

4. The petition is accordingly disposed of by appointing Justice Ashok Bhan, former Judge of the Supreme Court, as the sole Arbitrator.

18.08.2017
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(S.J. VAZIFDAR)
CHIEF JUSTICE

NOTE:

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