

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

ARB-182-2017 (O&M)

Date of decision:- 06.10.2017

Consulting Engineers Services (India) Pvt. Ltd.

...Petitioner

Versus

The Chief Engineer (Roads), Haryana PWD B&R Branch

...Respondent

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

Present:- Mr. Prateek Gupta, Advocate,
Mr. Akshay Ringe, Advocate,
for the petitioner.

Mr. Deepak Balyan, Additional Advocate General, Haryana,
for the respondent.

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S.J. VAZIFDAR, C.J. (ORAL)

This is a petition under Section 11 of the Arbitration and Conciliation Act, 1996 for the appointment of an arbitrator.

2. Reply alongwith Annexures R-1 to R-15 filed on behalf of the respondent in Court today is taken on record.

3. The parties had admittedly entered into a contract clause 8.2 whereof contains an arbitration agreement.

4. Disputes and differences having arisen between the parties, the petitioner invoked the arbitration clause firstly on 11.08.2016 and finally on 22.02.2017. The petition was filed on 29.04.2017. The respondent failed to appoint an arbitrator till after the petition was filed. It, therefore, forfeited its right to nominate an arbitrator. The appointment after the filing of the petition makes no difference.

5. In these circumstances, the petition is disposed of by appointing on the written request of both the parties Mr. Justice Surinder Singh Saron, a retired Judge of this Court, as the sole arbitrator. The request is taken on record and marked 'X'. The fees shall be as per the Chandigarh Arbitration Centre (CAC) (Administrative Cost and Arbitrators' Fees) Rules, 2014. The parties have agreed that the venue shall be the Chandigarh Arbitration Centre.

(S.J. VAZIFDAR)
CHIEF JUSTICE

06.10.2017

Amodh

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