

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

ARB-226-2015 (O&M)

Date of decision:- 21.07.2017

M/s Aaj Jay Builders

...Petitioner

Versus

Lovely International Trust, Jalandhar

...Respondent (s)

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

Present:- Mr. Amandeep Singh Talwar, Advocate,
for the petitioner.

Mr. S.S. Behl, Advocate,
and Mr. R.S. Bajaj, Advocate,
for the respondent(s).

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

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

2. The existence of an arbitration agreement and the fact that the disputes are arbitrable is not disputed. The respondents, however, claim to have appointed one Ashok Mittal as the arbitrator. The respondents filed an affidavit stating, inter alia, that the President of the Trust i.e. the said Ashok Mittal had neither dealt with nor executed the contract in question nor settled the terms and conditions thereof. The replication filed by the petitioner states that the said Ashok Mittal is the President of the Trust and his brothers are the Chairman and Vice Chairman of the Trust. One S.B. Singla is stated to have dealt with the contract in question. The replication further states that the said

S.B. Singla is the elder brother of one S.P. Singla who is the

father-in-law of the said Ashok Mittal. More important, the replication states that the said Ashok Mittal in his capacity as the President of the Trust has even verified the work and endorsed the letters with his signatures. There is no reply to this statement.

3. In these circumstances, the petition is disposed of by appointing Mr. A.K. Sharma, a retired District Judge, Punjab, as the sole arbitrator. The fees shall be as per the Chandigarh Arbitration Centre (CAC) (Administrative Cost and Arbitrators’ Fees) Rules, 2014.

4. It is agreed that the venue of arbitration shall be at Jalandhar.

(S.J. VAZIFDAR)
CHIEF JUSTICE

21.07.2017

Amodh

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