

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

ARB-249-2016 (O&M)

Date of decision:- 22.09.2017

Rajesh Kumar

...Petitioner

Versus

Gurgaon Municipal Corporation and others

...Respondents

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

Present:- Mr. Deepak Saini, Advocate,
for the petitioner.

Mr. S.K. Mahajan, Advocate,
for the respondents.

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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. The parties had admittedly entered into a contract clause 25A whereof contains an arbitration agreement. The relevant part of clause 25A reads as under:-

"Clause-25A (i) Arbitration Clause

(ii) All dispute or difference in respect of which the decision is not final and conclusive shall at the request, in writing, of either party, made in a communication sent through Registered A.D. Post be referred to the sole arbitration of any serving Superintending Engineer or Municipal Corporation, Gurgaon to be nominated by designation of Chief Engineer of Municipal Corporation, Gurgaon at the relevant time. There will be no objection to any such appointment that the arbitrator so appointed is a Govt. servant/in service of Municipal

Corporation, Gurgaon or that had to deal with the matter to which the contract relates in course of his duties as a Govt. servant/in service of Municipal Corporation, Gurgaon he has expressed his views on all or any of the matter in dispute. The Arbitrator to whom the matter is originally referred being transferred or vacating his office, his successor-in-office, as such shall be entitled to proceed with the reference from the stage at which it was left by his predecessor."

(emphasis supplied)

3. The petitioner does not raise any dispute or challenge to the respondents' power to appoint an arbitrator in accordance with clause 25A on any ground including on the basis of the amended Act.

4. In these circumstances, the petition is disposed of by directing the respondents to appoint an arbitrator in accordance with clause 25A and to inform the petitioner the name of the arbitrator in writing by 22.10.2017.

(S.J. VAZIFDAR)
CHIEF JUSTICE

22.09.2017

Amodh

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