

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Arbitration Case No. 262 of 2016 (O&M)
Date of Decision: 14.07.2017

TSN Infrastructure Pvt. Ltd.Petitioner

versus

M/s Oris Infrastructure Pvt. Ltd.Respondent

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

Present : Mr. Deepak Saini, Advocate, for the petitioner.
Mr. Mohit Garg, Advocate, for the respondent.

S.J.VAZIFDAR, CHIEF JUSTICE (ORAL)

This is an application filed under section 11(6) of the Arbitration and Conciliation Act, 1996 for appointment of a sole arbitrator to adjudicate upon the disputes and differences between the parties.

2. The parties had entered into a contract which admittedly contains an arbitration agreement. The Management Review Committee constituted by the respondent was to appoint the arbitrator. The petitioner by its notices addressed to the Managing Director invoked the arbitration clause. As the receipt of the letter was denied, the respondent has produced a postal acknowledgement. That the envelope was addressed to Shri Amit Gupta whereas the letter itself refers to the Managing Director makes no difference. Shri Amit Gupta is admittedly the Managing Director of the respondents. The respondents have appointed the arbitrator only after the filing of this petition. They have, therefore, forfeited their rights to appoint the arbitrator.

3. In the circumstances, the petition is disposed of by appointing Mr. Justice Darshan Singh, former Judge of this Court, as the sole arbitrator to adjudicate upon the disputes and differences between the parties. The fees shall be as per the Chandigarh Arbitration Centre (CAC) (Administrative Cost and Arbitrator’s Fees) Rules, 2014

14.07.2017
ravinder

(S.J. VAZIFDAR)
CHIEF JUSTICE

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