

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

ARB-29-2017 (O&M)

Date of decision:- 08.09.2017

M/s Srishti Constructions

...Petitioner

Versus

Punjab Small Industries and Export Corporation Limited
and others

...Respondents

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

Present:- Mr. Nikhil Handu, Advocate,
for the petitioner.

Mr. Tarun Vir Singh Lehal, Advocate,
for respondents No. 1 and 2.

Mr. Ankit Chowdhri, Advocate,
for respondent No. 3.

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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 parties had entered into a contract clause 25 whereof contains an arbitration agreement. The contract was between the petitioner and respondent No. 1. Respondent No. 1 had entered into an agreement with respondent No. 3 and had thereafter sub contracted a part of the work to the petitioner. The arbitration clause is the subject matter of the sub contract between the petitioner and respondent No. 1. The petitioner entered into an agreement with respondent No. 1 on a principal to principal basis. Respondent No. 3, therefore, cannot be a party to the arbitration proceedings as it would be a stranger to the sub contract entered into between the

petitioner and respondent No. 1. This order is, therefore, restricted to the petitioner and respondent No. 1.

3. In the circumstances, the petition is disposed of by appointing Mr. Justice V.K. Bali, former Chief Justice of the Kerala High Court, as the sole arbitrator. 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

08.09.2017
Amodh

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