

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Arbitration Case No. 8 of 2017
Date of Decision: 07.07.2017

M/s H.S.Constructions

.....Petitioner

versus

M/s Bharat Sanchar Nigam Ltd.

.....Respondent

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

Present : Mr. Alok Tripathi, Advocate, for the petitioner.
Mr. Naresh Kumar Joshi, Standing Counsel for BSNL (Haryana circle)

S.J.VAZIFDAR, CHIEF JUSTICE (ORAL)

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

2. The parties had entered into a contract, clause 17 whereof admittedly contains an arbitration agreement. The reference in the first instance is to the officers of the respondents which today is not permissible. The clause further provides that in the event of such officer not been able to enter upon such reference, other officer appointed by the Chief General Manager would be appointed as the arbitrator.

3. The petitioners by their letter dated 24.11.2015 invoked the arbitration clause and called upon the respondents to appoint an arbitrator which they failed to do till the petition was filed. The respondents have, therefore, forfeited their right, if any, to appoint the arbitrator.

4. The petition is, therefore, disposed of by appointing Mr. C.B.Jaglian, a former District Judge, Haryana, as the sole arbitrator to adjudicate upon the disputes and differences between the parties.

07.07.2017
ravinder

(S.J. VAZIFDAR)
CHIEF JUSTICE

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