

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Arbitration Case No. 120 of 2016 (O&M)

Date of Decision: 09.03.2018

M/s B.D.Securities (P) Ltd.

.....Petitioner

versus

M/s Surya Pharmaceuticals Ltd. and another

.....Respondents

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

Present : Ms. Bhagyashri, Advocate for
Mr. KPS Dhillon, Advocate for the petitioner.

S.J.VAZIFDAR, CHIEF JUSTICE

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

2. The learned counsel appearing on behalf of the petitioner submitted that the parties had entered into a contract which contains an arbitration agreement and clause (v) whereof reads as under:-

“(v) Governing Law and arbitration:-

This agreement shall be governed by and construed in accordance with the substantive laws of Republic of India.

In case of any dispute or difference arising at any time between the parties hereto as to the meaning or effect of this Agreement or any clause or matter herein contained or the rights or liabilities of the parties hereto or otherwise howsoever in relation to this Agreement the same shall be referred to the arbitration in accordance with the provisions of the Arbitration and Conciliation Act, 1996 or any statutory modification or amendment thereof for the time being in force. The arbitration shall be conducted in English language and at Chandigarh.

- (i) Attendance sheets of all security guards in different sites will be forwarded to the Administration in charge nominated by ‘first party’. The attendance sheets shall be verified by the Administration, in charge/Site Engineer/Site-In-charge, as the case may be.
- (ii) Payment to be made by first party to second party will be as per the rates set out hereinabove.”

3. The petitioner suggested the name of the arbitrator but the respondents did not agree to the same leaving the parties to the filing of the present petition.

4. Accordingly, the present petition is disposed of by appointing Shri R.C.Bansal, a former District & Sessions Judge, Haryana, as the sole arbitrator to adjudicate upon the disputes and differences between the parties. The venue of the arbitration shall be the Chandigarh Arbitration Centre. The fees shall be as per the Chandigarh Arbitration Centre (CAC) (Administrative Cost and Arbitrator’s Fees) Rules, 2014.

(S.J. VAZIFDAR)
CHIEF JUSTICE

09.03.2018
ravinder

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