

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

ARBs-229 & 232-2017 (O&M)

Date of decision:- 23.02.2018

M/s Chandan Arvind Construction Company

...Petitioner

Versus

State of Punjab and another

...Respondents

ARB-231-2017 (O&M)

M/s Chandan Arvind Construction Company

...Petitioner

Versus

State of Punjab and others

...Respondents

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

Present:- Mr. Dheeraj Mahajan, Advocate,
for the petitioner.

Mr. Avinit Avasthi, Assistant Advocate General, Punjab.

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S.J. VAZIFDAR, C.J. (ORAL)

CM-2612-CII-2018 in ARB-229-2017

CM-2613-CII-2018 in ARB-231-2017

CM-2615-CII-2018 in ARB-232-2017

Leave is granted to place on record the replies filed
on behalf of the respondents and the applications are allowed.

ARBs-229, 231 & 232-2017

These petitions are for the purpose of this order
similar. The petitions are filed under Section 11 of the
Arbitration and Conciliation Act, 1996 (in short the Act) for
the appointment of an arbitrator.

2. In each of the cases, the petitioner had entered into
separate contracts. Each contract contains an arbitration

clause. Disputes and differences having arisen between the parties, the petitioner addressed a letter to the Superintending Engineer for his decision. No decision was given. The petitioner thereupon invoked the arbitration clause. Even assuming that the respondents' officer is entitled to nominate an arbitrator the right to do so stands forfeited as the respondents have not exercised the right after the service upon them of the notice invoking the arbitration clause and to date.

3. The petitions are disposed of by appointing on the written request of both the parties Mr. A.K. Sharma, a retired Additional District and Sessions Judge, Jalandhar, as the sole arbitrator in respect of each of the petitions. The request is taken on record and marked 'X'. The fees shall be as per the Chandigarh Arbitration Centre (CAC) (Administrative Cost and Arbitrators' Fees) Rules, 2014. The references shall be separate and separate awards shall be passed in each case.

(S.J. VAZIFDAR)
CHIEF JUSTICE

23.02.2018

Amodh

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