

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

ARB-247-2017 (O&M)

Date of decision:- 20.04.2018

Tata Consultancy Services Ltd.

...Petitioner

Versus

Food and Supplies Department, Haryana

...Respondent

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

Present:- Mr. Anand Chhibbar, Senior Advocate,
with Mr. Vaibhav Sahni, Advocate,
for the petitioner.

Mr. Deepak Balyan, Additional Advocate General, Haryana.

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

This is a petition under Section 11 of the Arbitration and Conciliation Act, 1996 (in short the Act) for the appointment of an arbitrator.

2. The parties had entered into a System Integrator's Service Agreement for Implementation of Smart Card Based Public Distribution System in Haryana State clause 13.3.2 whereof reads as under:-

"13.3.2 Arbitration

(a) Any Dispute, which is not resolved amicably as provided in article 13.3.1, shall be finally decided by reference to sole arbitrator. Secretary of FSD HR, Government of Haryana, or its nominee, would be the sole Arbitrator. The arbitration shall be held in accordance with the provisions of the Indian Arbitration and Conciliation Act, 1996 (article 26 of Act 1996) and any amendments thereto. The Arbitrator shall issue a reasoned Award for any amount exceeding Rs. 25,000/- (Rupees Twenty Five thousand) within a

period of 6 (six) months unless extended by Parties;

(b) The venue of such arbitration shall be Chandigarh, India and the language of the arbitration proceedings and that of all documents and communications between the Parties shall be in English.

(c) The Parties undertake to carry out any decision or award of the arbitrator (the "Award") without delay. Awards relating to any dispute shall be final and binding on the Parties as from the date they are made;

(d) The Parties agree that an award may be enforced against the SI and/or FSD HR, as the case may be and their respective assets wherever situated.

(e) This agreement and rights and obligations of the Parties shall remain in full force and effect pending the award in any arbitration proceeding hereunder."

3. Disputes and differences have admittedly arisen between the parties. The respondent has appointed one of its officers as the arbitrator which is not permissible in view of the amendment to the Act.

4. In these circumstances, the petition is disposed of by appointing Mr. Justice Permod Kohli, a retired Chief Justice of the Sikkim High Court, as the sole arbitrator. The parties have agreed that the venue shall be the Chandigarh Arbitration Centre.

(S.J. VAZIFDAR)
CHIEF JUSTICE

20.04.2018

Amodh

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