

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

**ARB No. 300 of 2017
Decided on: 25.05.2018**

Ashwani Oberoi Sole Proprietor M/s Punjab Advertising Company

... Petitioner

Versus

**Municipal Corporation, Ambala City, Ambala (Haryana) through its
Executive Officer**

... Respondent

**CORAM: HON'BLE MR. JUSTICE AJAY KUMAR MITTAL,
ACTING CHIEF JUSTICE**

PRESENT: Mr. Aditya Grover, Advocate for the petitioner.

Mr. Deepak Manchanda, Advocate for the respondent.

AJAY KUMAR MITTAL, (ACJ)

1. This is a petition under Section 11 of the Arbitration & Conciliation Act, 1996 (in short 'the Act of 1996') for appointment of an independent sole arbitrator.

2. On 10.05.2010, the petitioner was allotted a tender, floated by the respondent, for rendering sole rights for outdoor advertisement, such as Unipoles/Koisk/Gantries/Hoardings/banner/Mobile vans/wall paintings within the municipal limits of Municipal Corporation, Ambala City, District Ambala. The said tender was for a period of three years. The petitioner deposited the requisite amount of fee. Through various communications, the petitioner requested the respondent to remove the already installed advertisements/hoardings. However, the respondent did not pay any heed to the request of the petitioner. On 28.2.2011,

Annexure P.1, the parties had entered into an agreement. Clause 24 contains the details with regard to the 'disputes and arbitration', which reads thus:-

“24. That in case of any dispute between both the parties, Financial cum Principal Secretary, Urban Local Bodies, Haryana, Chandigarh, shall be the sole arbitrator, whose decision shall be final and binding upon both the parties.”

3. According to the aforesaid Clause 24, in case of any dispute between both the parties, Financial-cum-Principal Secretary, Urban Local Bodies, Haryana, Chandigarh shall be the sole arbitrator whose decision shall be final and binding upon both the parties. Learned counsel for the petitioner submitted that inspite of numerous adjournments, the arbitration proceedings have not been concluded by the sole arbitrator since 24.4.2015.

4. In view of the above, the parties have agreed that let an independent arbitrator be appointed.

5. Accordingly, the petition is disposed of by appointing Justice Ashok Bhan (Retd.), Judge, Supreme Court of India, # 302, Sector 10-B, Chandigarh, as the sole arbitrator. The fees shall be as per the Chandigarh Arbitration Centre (CAC) (Administrative Cost and Arbitrators' Fees) Rules, 2014.

(AJAY KUMAR MITTAL)
ACTING CHIEF JUSTICE

May 25, 2018
'gs'

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No