

103

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

CR-1073-2018

Date of decision : 17.02.2018

M/s Welkin India

... Petitioner(s)

Versus

Punjab Mandi Board and another

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Parveen K. Kataria, Advocate
for the petitioner.

AMIT RAWAL, J. (ORAL)

The prayer in the present revision petition is for issuance of appropriate directions/orders to respondent No.2/Arbitrator to decide the arbitration proceedings at the earliest, preferably within a time bound manner.

Learned counsel for the petitioner submits that respondent No.2/Sh. B.R. Bansal, Chief Engineer (Retd.), PWD, Punjab was appointed Arbitrator, vide order dated 04.06.1991 (Annexure P-1). The aforementioned order was challenged before this Court in CR No.4085 of 1991, which was admitted and the further proceedings were stayed. The aforesaid revision petition along with other revision petition bearing CR Nos.4075 of 1991 was ordered to be heard together. The same was dismissed for non-prosecution vide order dated 14.02.2007 (Annexure P-3). However, the petitioner was not intimated about the status of the case, but acquired the knowledge of the dismissal of the revision petition only in the year 2016. The petitioner immediately sent letter to respondent No.2 for resuming the proceedings as arbitrator, who fixed the date of hearing as

07.10.2016, which fact is evident from the order (Annexure P-5). The Arbitrator/respondent No.2 had taken up the matter on 18.11.2016 and 24.11.2016. However, on 19.09.2017, respondent No.1 filed a frivolous application (Annexure P-6) under Sections 12 to 16 of the Arbitration and Conciliation Act, 1996, which was duly replied by the petitioner. On 10.11.2017, respondent No.2/Arbitrator passed the order rejecting the objection of respondent No.1 and informed that he will fix the next date of hearing. However, counsel for respondent No.1 sent a letter dated 30.10.2017 (Annexure P-9) to the Arbitrator for not conducting the proceedings under the Old Act and the copy of the same was also endorsed to the petitioner, who submitted the reply dated 03.01.2018 (Annexure P-10) to respondent No.2, for rejecting the false frivolous application. The proceedings are pending since 1991 and have not made any headway, thus, urges this Court for issuance of appropriate directions.

I have heard the learned counsel for the petitioner and appraised the paper book.

Keeping in view the aforementioned facts and circumstances of the case, I deem it appropriate to dispose of the present revision petition with a direction to respondent No.2/Arbitrator to decide the arbitration proceedings as expeditiously as possible preferably within a period of one year from the date of the receipt of the certified copy of this order.

The present revision petition stands disposed of.

(AMIT RAWAL)
JUDGE

17.02.2018
Yogesh Sharma

Whether speaking/reasoned **Yes**

Whether Reportable **No**