

252

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

**Civil Revision No.3119 of 2018 (O&M)
Date of Decision: 29.05.2018**

**M/S OM CONSTRUCTION CO THROUGH ITS PROP
.....Petitioner**

Vs

**UNION OF INDIA THROUGH MINISTRY OF DEFENCE NEW
DELHI ETC
.....Respondents**

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. Manohar Lall, Advocate
for the petitioner.

Mr. A.K. Bansal, Advocate with
Mr. Sunny Deep Joneja, Advocate
for respondents No.1 and 2.

RAJ MOHAN SINGH, J. (Oral)

At the very outset, learned counsel for the petitioner submitted that respondents No.1 and 2 are the only contesting respondents. Respondent No.3 and 4 be deleted from the array of respondents for the purposes of disposal of the present revision petition. Ordered accordingly.

The award passed by the Arbitrator was set aside by the trial Court vide judgment dated 16.01.2014. In the appeal, the Addl. District Judge, Chandigarh upheld the said judgment to the extent of setting aside the award, however modified the

judgment of the trial Court to the extent that the award be sent back to the concerned Arbitrator within two months from the date of passing of judgment dated 17.02.2018 with a direction to pass the award after giving reasons as per arbitration clause contained in the agreement. Further, directions were issued to the Arbitrator to do the needful within a period of three months after receiving the record. In case that Arbitrator is not available, the authority concerned shall appoint fresh Arbitrator within two months from 17.02.2018 in terms of arbitration clause contained in the agreement with a direction to pass the award afresh in terms of agreement within a period of three months from the date of said appointment.

Today, learned counsel for both the parties have reached to some consensus on the ground that the original Arbitrator has died. In terms of direction contained in order dated 17.02.2018 fresh Arbitrator was appointed to which petitioner had reservation.

Learned counsel for respondents No.1 and 2 has supplied a new list of Arbitrators to the learned counsel for the petitioner, to which learned counsel for the petitioner has agreed for Mr. N.D. Bhagathar, CE (QS&C), HQ. CE, SWC, Jaipur to be appointed as Arbitrator.

In view of aforesaid, this revision petition is disposed of.

The new Arbitrator shall proceed in terms of direction issued by the Addl. District Judge, Chandigarh vide order dated 17.02.2018. The records of arbitration be sent back to the newly appointed Arbitrator.

May 29, 2018

Atik

Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No