

In the High Court of Punjab and Haryana at Chandigarh

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CR No. 5725 of 2018 (O&M)

Date of decision: 17.12.2018

PUNJAB SMALL INDUSTRIES AND EXPORT CORPORATION

.....petitioner

Versus

M/S CEIGALL INDIA LIMITED

.....respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mrs. Munisha Gandhi, Sr. Advocate with
Ms.Salina Chalana, Advocate
for the petitioner.

Mr.Naresh Markanda, Sr.Advocate with
Ms.Lakshita Sahni, Advocate
for the respondent.

RAJ MOHAN SINGH, J.(oral)

The only grievance of the petitioner is that the pending application for pre deposit to the extent of 10% claimed amount has not been decided by the Arbitrator and the same has been adjourned along with the main case.

By referring to arbitral clause 25-A of the agreement, learned senior counsel for the petitioner contends that pre deposit in terms of the clause is mandatory and thereafter, arbitrator may proceed with the case on merits. Learned senior counsel for the petitioner further submits that since the

proceedings before the arbitrator have been stayed, therefore, directions be issued that the application be decided prior in point of time as and when the proceedings are restored before the arbitrator.

Learned senior counsel for the respondent states that the application is still pending before the arbitrator and the arbitrator may take cognizance of the pending application and decide the same in accordance with law.

In view of facts and circumstances of the case, the sole arbitrator is requested to take up the application as and when proceedings will commence before the arbitrator.

Petition stands disposed of accordingly.

December 17, 2018
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(RAJ MOHAN SINGH)
JUDGE

Whether reasoned/Speaking

Yes/No

Whether reportable

Yes/No