

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

ARB-110-2018 (O&M)
Date of decision:- 25.01.2019

M/s Deepak Builders ...Applicant
Versus
Municipal Corporation, Ludhiana and others ...Respondents

CORAM: HON'BLE MR. JUSTICE KRISHNA MURARI, CHIEF JUSTICE

Present:- Dr. Ashwinie Kumar Bansal, Advocate,
for the applicant.
Mr. R.S. Bajaj, Advocate, for the respondents.

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KRISHNA MURARI, C.J. (ORAL)

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

2. Written statement filed on behalf of the respondents in Court today is taken on record.
3. Although in the written statement a denial has been made by the respondents but the same is in respect of the claims being asserted by the applicant on-merits which cannot be gone into in these proceedings as the same are liable to be adjudicated by the arbitrator. As a matter of fact there is no denial on behalf of the respondents that there exists an agreement between the parties which contains an arbitration clause and despite invocation of the said clause vide letter dated 18.11.2017 and reminder letter dated 03.02.2018 the respondents have failed to appoint an arbitrator.
4. In view of the above facts and circumstances, the application is disposed of by appointing Justice R.C.Gupta, a former Judge of this Court, # 626, Sector 12-A, Panchkula, as the sole arbitrator to adjudicate upon disputes and differences between the parties. The fees may be settled by the parties and the arbitrator.

(KRISHNA MURARI)
CHIEF JUSTICE

25.01.2019
Amodh/ravinder

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