

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

ARB-119-2018 (O&M)
Date of decision:- 05.07.2019

Sada Ram Som Nath Rice Mill, Mustafabad, Yamuna Nagar

...Applicant

Versus

Director Food & Supplies, Haryana and another

...Respondents

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

Present:- Mr. Robin Dutt, Advocate,
for the applicant.

Mr. Deepak Balyan, Additional Advocate General, Haryana,
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 appointment of an arbitrator.

2. Admittedly, the parties had entered into a contract, clause 23 whereof contains an arbitration agreement which was invoked by the applicant. However, when the respondents failed to appoint an arbitrator, the applicant has approached this Court by making the instant application.

3. Mr. Deepak Balyan, learned Additional Advocate General, Haryana appearing for the respondents has raised a preliminary objection that in accordance with the terms of the agreement, since the claim was to be made within one year of the date of completion or expiry of the period of contract and the time has elapsed, hence the applicant is not entitled to raise any demand for the appointment of an arbitrator.

4. This fact is disputed by learned counsel for the applicant that under the terms of the contract, the claim could be raised any time.

5. Be that as it may, it is not for this Court to enter into the controversy, at this stage, and it would be open to the parties to raise their objections whatsoever in this regard before the arbitrator himself to be appointed by this Court.
6. Accordingly, I hereby appoint Hon’ble Mr. Justice Mahesh Grover, a former Judge of this Court, as the sole arbitrator to resolve the disputes and differences between the parties. The fee shall be as may be settled by the parties with the learned arbitrator.
7. The application accordingly stands disposed of.

(KRISHNA MURARI)
CHIEF JUSTICE

05.07.2019
Anodh

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