

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

Sr. No.221

ARB-320-2018 (O&M)

Date of decision: 18.12.2019

M/s Surbhi Cattle Feed

....Petitioner

versus

The Haryana State Cooperative Supply and Marketing Federation Limited
(HAFED)

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Narender Pal Bhardwaj, Advocate
for the petitioner.

Mr. S.K. Mahajan, Advocate
for the respondent.

* * *

DEEPAK SIBAL, J. (Oral)

The present petition has been filed under Section 11(6) of the Arbitration and Conciliation Act, 1996 (for short – the Act) for appointment of an Arbitrator in a domestic commercial dispute.

The petitioner took part in the auction conducted by the respondent for sale/purchase of damaged wheat stocks. Admittedly, as per clause 18 of the terms and conditions for such auction disputes between the parties were to be settled through Arbitration.

On disputes having arisen between the parties, in terms of the afore-referred clause 18 of the terms and conditions of the auction, the petitioner sent a legal notice to the respondent seeking refund of the earnest

money/security deposited by it. In the alternative appointment of an Arbitrator was sought. In response to the aforesaid legal notice, the respondent neither refunded the claimed amount nor appointed the Arbitrator, occasioning the filing of the present petition.

After hearing learned counsel for the parties and with their consent, for adjudicating the disputes between them, Sh. J.S. Klar, District and Sessions Judge (Retd.), is appointed as the sole Arbitrator. However, such appointment would be subject to the declaration to be made by Sh. J.S. Klar under Section 12 of the Act with regard to his independence and impartiality to settle the disputes between the parties.

The Arbitrator is requested to complete the proceedings within the time limit specified under Section 29A of the Act.

The Arbitrator shall be paid fee in accordance with the Fourth Schedule of the Act, as amended or as may be mutually settled by the parties and the Arbitrator.

As per agreement expressed by learned counsel for the parties, for the sake of the convenience of their respective clients as also of the Arbitrator, the venue of the Arbitration shall be at Chandigarh Arbitration Centre, Chandigarh or at any other place convenient to all concerned.

A copy of the this order be forwarded to Sh. J.S. Klar, District and Sessions Judge (Retd.) at the given address:

H.No.210,
Manjit Nagar,
Bhadson Road,
Patiala.
Mobile No.9779568636.

After seeking the convenience of the Arbitrator, the parties are directed to appear before him on 10.01.2020 at 11 A.M. or any other date

suitable to all concerned.

The matter is disposed of in the above terms.

December 18, 2019
Jyoti 1

(DEEPAK SIBAL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No