

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

ARB-320-2017 (O&M)  
Date of decision:- 01.03.2019

M/s Walia Construction Company Engineers and  
Contractors

...Applicant

Versus

Punjab Mandi Board through Executive Engineer (C),  
Pathankot

...Respondent

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

Present:- Mr. Dheeraj Mahajan, Advocate,  
for the applicant.

Mr. Charanjit Sharma, Advocate,  
for the respondent.

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**KRISHNA MURARI, C.J. (ORAL)**

This is an application under Section 11(6) of the Arbitration and Conciliation Act, 1996 (in short the Act) for appointment of an independent arbitrator.

2. Learned counsel for the applicant points out that under the terms of the agreement between the parties, Sh. Gurdev Singh Chahal, Superintending Engineer, Punjab Mandi Board, Jalandhar was appointed as an arbitrator and he passed the award on 18.02.2015 which was challenged by filing petition under Section 34 of the Act. The arbitral award was set aside by learned District Judge, Pathankot vide order dated 07.07.2017 on the ground that the arbitrator had mis-conducted himself. It is pointed out that thereafter the applicant again approached the respondent for appointing another arbitrator, but when it failed to do so, the present application has been made.

3.            Learned counsel for the respondent states that a new arbitrator would be appointed shortly.
4.            It is well settled legal position that once the arbitration clause is invoked and the respondent fails to appoint an arbitrator and the jurisdiction under Section 11(6) of the Act has been invoked, the right to appoint an arbitrator is lost. In such circumstances, it is now for this Court to appoint a new arbitrator.
5.            Considering the facts, I hereby appoint Mr. Suresh Kumar Goel, a retired District and Sessions Judge, Flat No. 2196 B, Second Floor, Block No. 15, Chandigarh Housing Board, Sector 63, Chandigarh as the sole arbitrator to resolve the disputes and differences between the parties. The fees shall be as per the Chandigarh Arbitration Centre (CAC) Rules, 2018.

(KRISHNA MURARI)  
CHIEF JUSTICE

01.03.2019  
Amodh

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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |