

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR No. 6811 of 2019 (O&M)

Date of decision:-14.11.2019

Union of India and another

....Petitioners

vs.

M/s. Jagdish Raj and Brothers and another

....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr. Chander Mohan Sharma, Advocate
for the petitioners.

RITU BAHRI, J.(Oral)

The petitioner-Union of India has come up in revision against the order dated 08.08.2019 (Annexure P-1) whereby the application/petition under Section 28 of the Arbitration Act, 1940 has been dismissed.

A perusal of the order dated 08.08.2019 (Annexure P-1) shows that initially on application filed under Section 28 of the Arbitration Act, Sh. Divakar Garg, Ministry of Urban Development, 307/316-C, Wing Shah Building, near Vikas Minar, New Delhi was appointed as Arbitrator. However, he did not complete the arbitration proceedings and thereafter a petition (Annexure P-2) was filed by Union of India to appoint Mr. V.K. Malik, Ministry of Urban Development, Indra Prastha Bhawan, New Delhi as new Arbitrator. A reply was filed to the above said petition (Annexure P-3) and thereafter rejoinder was filed (Annexure P-4).

The Court vide its detailed order dated 08.08.2019 (Annexure P-1) has dismissed the petition by observing that if the first arbitrator has been appointed by the Court and has failed to perform his function, the second Arbitrator has to be appointed by the Court and none of the parties

can unilaterally appoint new Arbitrator of their choice while referring judgment passed in *State of West Bengal Vs. National Builders ALR 1994(1), page 5* and further held that the second Arbitrator is to be appointed from the list of arbitrators supplied to it. Thereafter the Court has appointed Sh. A.K.Sharma, learned District and Sessions Judge (Retd.) as Arbitrator.

The Arbitrator has been rightly appointed and the Union of India could not insist appointment of Mr. V.K. Malik, Ministry of Urban Development, Indra Prastha Bhawan, New Delhi as new Arbitrator.

No ground to interfere in the order dated 08.08.2019 (Annexure P-1) is made out.

Revision is dismissed.

Pending application also stands disposed of.

14.11.2019
Divyanshi

(RITU BAHRI)
JUDGE

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