

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

**ARB-247-2018 (O&M)
Date of decision: 13.02.2020**

JITCO Overseas Projects

.....Applicant

versus

Dakashin Haryana Bijli Vitran Nigam and others

.....Respondents

CORAM: Hon'ble Mr. Justice Deepak Sibal

Present: Mr.Mrigank Sharma, Advocate for the applicant
Mr.Deepak Balyan, Advocate for respondent nos.1 to 4

Deepak Sibal, J. (Oral)

The present application has been filed under Section 11 of the Arbitration and Conciliation Act, 1996 Act (for short, the Act) for appointment of an Arbitrator.

On 27.01.2004, the respondents placed a work order on the applicant for supply of material for erection, testing and commissioning of 33 KV Substation and lines (on Turn-key basis). Admittedly, the parties entered into an agreement in this regard which contained Clause 51 as per which disputes between the parties were to be settled through the mode of arbitration.

Disputes having arisen between the parties the applicant served a legal notice on the respondents seeking appointment of an independent and impartial Arbitrator. Having not received any response to the said notice, the present application has been filed for the aforesaid relief.

After hearing learned counsel for the parties, for adjudicating the disputes between them, Justice N.K.Sud, a former Judge of this Court, is appointed as the Sole Arbitrator. However, such appointment would be subject to the declaration to be made by Justice Sud 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 or at any other place which is suitable to all concerned.

A copy of the this order be forwarded to Justice N.K. Sud (Retd.) at the given address:-

Justice N.K. Sud
Ambika Towers, 4th Floor,
Police Line Road,
Jalandhar – 144001
Mobile - 9855885555

After seeking the convenience of the Arbitrator, the parties are directed to appear before him on 25.02.2020 or on any other date suitable to all concerned.

The matter is disposed of in the above terms.

13.02.2020
gk

(Deepak Sibal)
Judge

Whether speaking/ reasoned:	Yes/No
Whether Reportable:	Yes/No