

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

ARB-274-2017 (O&M)
Date of decision: 05.03.2020

M/s Kamal Aggarwal

.....Applicant

versus

Union of India and others

.....Respondents

CORAM: Hon'ble Mr. Justice Deepak Sibal

Present: Mr.Varun Gupta, Advocate for the applicant
Ms.Bhanvi Sood, Advocate for
Mr.Aditya Jain, Advocate the respondents

Deepak Sibal, J. (Oral)

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

Through work order dated 15.03.2013 the respondents awarded to the applicant certain repair works to be made in the building at Khemkaran Vihar under GE (West) JRC. As per the applicable general conditions of the contract disputes between the parties were to be settled through the mode of arbitration.

Disputes having arisen between the parties the respondents appointed an Arbitrator who without finally adjudicating upon the disputes referred to him resigned and wrote to the parties with regard to his inability to act as an Arbitrator. The applicant then wrote to the respondents requiring them to appoint a new Arbitrator. In response thereto the respondents wrote to the applicant seeking the applicant to waive off the conditions imposed under Section 12(5) of the Act to which the applicant did not respond to and thus impliedly refused to give any consent. It is in the background of these facts that the present application has been filed for the aforesaid relief.

After hearing learned counsel for the parties and with their consent for adjudicating the disputes between them Mr.H.P. Handa, District & Sessions Judge (Retd.) is appointed as the Sole Arbitrator. However, such appointment would be subject to the declaration to be made by Mr.H.P. Handa 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, the venue of the Arbitration shall be at Jalandhar or at any other place which is suitable to all concerned.

A copy of the this order be forwarded to Mr.H.P. Handa, District & Sessions Judge (Retd.) at the given address:-

H.No. 335,
Shaheed Udham Singh Nagar,
Jalandhar
Mobile No. - 9855444023

After seeking the convenience of the Arbitrator, the parties are directed to appear before him on 18.03.2020 or on any other date suitable to all concerned.

The matter is disposed of in the above terms.

05.03.2020
gk

(Deepak Sibal)
Judge

Whether speaking/ reasoned:
Whether Reportable:

Yes/No
Yes/No