

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 101

ARB-291-2017 (O&M)

Date of decision : 05.02.2020

Powercap Capacitors Pvt. Ltd.

..... Applicant

VERSUS

HVPNL, Panchkula

..... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Vikas Cuccria, Advocate, for the applicant.

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

DEEPAK SIBAL, J. (ORAL)

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

The parties entered into a contract as per which the applicant was to supply to the respondent 3000 KVAR 12.65 KV, 3 Phase Capacitors Banks with 11 KV RVT. Admittedly, the terms of the contract between the parties contained Clause 24 as per which the disputes between them were to be settled through the mode of arbitration.

Disputes having arisen between the parties, through notice sent by the applicant to the respondent the aforesaid arbitration clause was invoked calling upon the respondent to appoint an Arbitrator. Having not received any response of the aforesaid notice the present application was filed.

In response to the present application the respondent has filed a reply through which the applicant's claims have been denied both on the ground of limitation as also on merits.

After hearing learned counsel for the parties, Mr. B. M. Bedi, District & Sessions Judge (Retd.) is appointed as the sole Arbitrator before whom both parties are at liberty to raise all pleas which may be available to them in accordance with law. However, such appointment would be subject to the declaration to be made

by Mr.Bedi under Section 12 of the Act with regard to his independence and impartiality to settle the dispute 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.

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

H.No. 22, Sector 4,
Panchkula
(Mob. No. 80543-81862)

After seeking the convenience of the Arbitrator, the parties are directed to appear before the Arbitrator on 17.02.2020 or on any other date suitable to all concerned.

The matter is disposed of in the above terms.

05.02.2020
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[DEEPAK SIBAL]
JUDGE

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