

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

Sr. No.213

ARB-323-2018 (O&M)

Date of decision: 22.01.2020

M/s Mahalaxmi Animal Food Products

....Petitioner

versus

The Haryana State Cooperative Supply and Marketing Federation Limited
(HAFED)

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Narender Pal Bhardwaj, Advocate
for the petitioner.

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

* * *

DEEPAK SIBAL, J. (Oral)

The present petition has been filed under Section 11(6) of the Arbitration and Conciliation Act, 1996 (for short – the Act) for appointment of an Arbitrator in a domestic commercial dispute.

The petitioner took part in the auction conducted by the respondent for sale/purchase of damaged wheat stocks and was the highest bidder. Admittedly, as per clause 18 of the terms and conditions for such auction disputes between the parties were to be settled through the mode of Arbitration.

On disputes having arisen between the parties, in terms of the afore-referred clause 18 of the terms and conditions of the auction, the

petitioner approached the respondent for resolution of the disputes and in the alternative appointment of an Arbitrator was sought. In response, the respondent denied the petitioner's claim on merits as also on the ground that the same was time barred. However, no Arbitrator was appointed, occasioning the filing of the present petition.

In a similar dispute between the sister concern of the petitioner and the respondent, Sh. J.S. Klar, District and Sessions Judge (Retd.), has been appointed as the sole Arbitrator. Therefore, he is appointed as the sole Arbitrator in the present case as well. However, such appointment would be subject to the declaration to be made by Sh. Klar 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 Arbitration Centre, Chandigarh or at any other place convenient to all concerned.

A copy of the this order be forwarded to Sh. J.S. Klar, District and Sessions Judge (Retd.) at the given address:

H.No.210,
Manjit Nagar,
Bhadson Road,
Patiala.
Mobile No.9779568636.

After seeking the convenience of the Arbitrator, the parties are directed to appear before him on 10.02.2020 at 11.00 A.M. or any other date suitable to all concerned.

The matter is disposed of in the above terms.

January 22, 2020
Jyoti 1

(DEEPAK SIBAL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No