

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 207

ARB-91-2017

Date of decision : 10.01.2020

Manish Kumar Jain

..... Petitioner

VERSUS

HUDA, Panchkula and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.Vivek Khatri, Advocate, for the petitioner.

Mr.Prateek Mahajan, Advocate, for the respondents.

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.

It is not disputed that through agreement dated 08.05.2015 the petitioner was awarded a contract by the respondents for supply and laying of stone metal as per BUSG specification premix carpet with seal coat, bituminous macadm and 20 mm thick mix seal surfacing and other works mentioned in the agreement and that as per such agreement disputes between the parties to the agreement were to be settled through arbitration.

On disputes having arisen between the parties, through legal notice dated 13.08.2016 the petitioner invoked the arbitration clause asking the respondents to appoint an Arbitrator. The respondents failed to appoint one occasioning the filing of the present petition, after the filing of which, the respondents forfeited their right to appoint an Arbitrator.

After hearing learned counsel for the parties, for adjudicating upon the disputes between the parties which arise from the aforesaid agreement, Mr.J.S. Klar, District and Sessions Judge (Retd.), is appointed as the sole Arbitrator. However, such appointment would be subject to the declaration to be made by

Mr.J.S. Klar 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 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.J.S. Klar, District and Sessions Judge (Retd.) at the given address:-

H.No.210,
Manjit Nagar, Bhadson Road,
Patiala.
Mobile No.97795-68636.

After seeking the convenience of the Arbitrator, the parties are directed to appear before the Arbitrator on 27.01.2020 at 11 A.M. or any other date and time suitable to all concerned.

The matter is disposed of in the above terms.

10.01.2020
shamsher

[DEEPAK SIBAL]
JUDGE

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