

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

**ARB No.89 of 2018 (O&M)
Date of Decision:13.03.2020**

ARUN MAHAJAN AND ANOTHER

...Applicants

Versus

INDIAN OIL CORPORATION LTD. AND ANOTHER ..Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Rajinder P.Pandey, Advocate for
Mr. R.P. Singh Ahluwalia, Advocate
for the applicants.

Mr. Ashish Kapoor, Advocate
for the respondents.

DEEPAK SIBAL, J. (ORAL)

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

Admittedly, on 22.02.2011 the parties entered into an agreement as per which the respondent-Corporation allotted to applicant No.2 the work of statutory testing/hot repair of LPG cylinders in Una, Baddi and Jalandhar. As per clause 11 of the said agreement disputes between the parties were to be settled through the mode of arbitration.

Disputes having arisen between the parties, through legal notices dated 17.10.2017 and 26.10.2017, the applicants invoked the arbitration clause and required the respondents to appoint an Arbitrator. In response of such notices the respondents denied the claims made by the

applicants and further sought consent of the applicants to waive the applicability of Section 12(5) of the Act for appointment of an internal Arbitrator by the respondents. Since applicant No.2 did not give any consent to the demand made by the respondents, the present application has been filed for the aforesaid relief.

After hearing learned counsel for the parties and leaving it open to the parties to raise all their claims/defences/counter claims before the Arbitrator, Mr. Chanan Singh, Additional 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. Chanan Singh, 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 for the Arbitration shall be at the Chandigarh Arbitration Centre, Chandigarh.

A copy of the this order be forwarded to Mr. Chanan Singh, Additional District and Sessions Judge (Retd.) at the given address:

H.No.143, Sector-20-A,
Chandigarh.
Ph.9417223222

After seeking the convenience of the Arbitrator, the parties are

directed to appear before him on 26.03.2020 or on any other date suitable to all concerned.

The matter is disposed of in the above terms.

March 13, 2020

(DEEPAK SIBAL)

JUDGE

Whether speaking/reasonedYes/No

Whether ReportableYes/No