

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

ARB No.217 of 2019 (O&M)

Date of Decision:13.03.2020

M/S ARVINDERA ELECTICALS

... Applicant

Versus

UHBVN AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Chetan Mittal, Sr. Advocate with
Mr. Mohinder Singh Nain, Advocate
for the applicant.

Mr. Puneet Jindal, Sr. Advocate with
Mr. Raghav Kakkar, Advocate
for the respondents.

DEEPAK SIBAL, J. (ORAL)

Written statement filed on behalf of the respondents in Court today is taken on record. A copy of the same has been supplied to the counsel opposite.

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 22.09.2014 the parties entered into two agreements. Under the first agreement the respondents allotted to the applicant the work of supply of material/equipment for new 11KV lines/feeders and installation of new VCBs, after dismantling/replacing of the existing one line with aerial bunched cables under (OP) Circle Yamuna

Nagar and under the second agreement the work of erection, testing, installation and commissioning of the items under the first agreement was allotted to the applicant. It is further not disputed that disputes between the parties were to be settled through the mode of arbitration.

According to the applicant, disputes having arisen between the parties, through representation dated 15.04.2019, the applicant wrote to the respondents seeking therein resolution but when they remained unresolved, the applicant, through legal notices dated 12.06.2019/14.06.2019, invoked the arbitration clause and sought appointment of an Arbitrator. Within 30 days of the receipt of the aforesaid notices no Arbitrator was appointed by the respondents occasioning the filing of the present application.

After hearing learned counsel for the parties and leaving it open for the parties to raise all their claims/defences/counter claims before the Arbitrator, Justice M.S.Liberhan, a former Chief Justice of Madras and Andhra Pradesh High Courts is appointed as the sole Arbitrator. However, such appointment would be subject to the declaration to be made by Justice M.S.Liberhan 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 Chandigarh.

A copy of the this order be forwarded to Justice M.S.Liberhan,
Chief Justice (Retd.) at the given address:

H.No.81, Sector-9,
Chandigarh
Ph.9876696699

After seeking the convenience of the Arbitrator, the parties are
directed to appear before him on 28.03.2020 or on any other date suitable to
all concerned.

The matter is disposed of in the above terms.

March 13, 2020

Jyoti-IV

(DEEPAK SIBAL)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No