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

ARB-8-2018

Date of decision: 17.02.2020

M/s Vijay Engineering Works**.....Applicant****versus****Punjab Water Supply and Sewerage Board
and others****.....Respondents****CORAM: Hon'ble Mr. Justice Deepak Sibal**

Present: Mr. Anupam Singla, Advocate
for the applicant.

Mr. Vijay Kumar Kaushal, Advocate
for respondents No.1 to 3.

Deepak Sibal, J. (Oral)

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

The parties entered into an agreement through which the respondents allotted to the applicant the work of shifting of existing water supply and sewerage lines at Narwana Road and Sangrur Road from RD 218.300 to 219.620 at Patran, District Patiala. Admittedly, the agreement contained clause 25 (v) as per which disputes between the parties were to be settled through the mode of arbitration.

Disputes having arisen between the parties, through a written communication, the applicant required the respondents to appoint an Arbitrator but within 30 days of receipt of such request no Arbitrator was appointed occasioning the filing of the present application for the aforesaid relief.

After the filing of the present application, as per law laid down by the Supreme Court in ***Datar Switchgears Ltd. Vs. Tata Finance Ltd. (2000)*** 8

SCC 151, the respondents forfeited their right to appoint an Arbitrator.

In the light of the above, Sh. 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 Sh. J.S. 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 Patiala.

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 26.02.2020 or on any other date suitable to all concerned.

The matter is disposed of in the above terms.

17.02.2020
manju

(DEEPAK SIBAL)
JUDGE

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