

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 220

ARB-342-2019

Date of decision : 19.02.2020

M/s Subhash Infraengineers Pvt. Ltd.

..... Applicant

VERSUS

Maxmech Equipments Pvt. Ltd.

..... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.Gaurav Mohunta, Advocate, for the applicant.

Mr.M.S.Vishnu Shankar, Advocate, for the respondent.

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.

Through work order dated 13.02.2018 the applicant was granted by the respondent the contract for supply, erection, testing and commissioning of sand making plant, Model:MMSI-90 skid mounted plant of 90 TPH capacity with dust separation system including bag house filter at MUNPL site, Meja, Allahabad (UP). As per the work order disputes between the parties were to be settled through the mode of arbitration.

Disputes having arisen between the parties, the applicant put the respondent to notice with regard to the same and required the respondent to resolve them but when they remained unresolved the applicant through notice dated 22.10.2019 invoked the arbitration clause and wrote to the respondent seeking its concurrence with regard to the Arbitrator proposed by the applicant. The respondent did not agree with the name of the sole Arbitrator suggested by the applicant and suggested the name of another Arbitrator which was not acceptable to the applicant occasioning the filing of the present application for the aforesaid

relief.

After hearing learned counsel for the parties and with their consent, Justice G.S.Singhvi, a former Judge of the Supreme Court of India is appointed as the sole Arbitrator. However, such appointment would be subject to the declaration to be made by Justice Singhvi 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 the Fourth Schedule of the Act, as amended or as may be mutually settled by the parties and the Arbitrator.

Learned counsel for the parties have consented for the venue of the arbitration to Delhi

A copy of the this order be forwarded to Justice G.S.Singhvi (Retd.) at the given address:-

K-27, Hauz Khas Enclave,
Ground Floor and Basement,
New Delhi-110016.

After seeking the convenience of the Arbitrator, the parties are directed to appear before the Arbitrator on 28.02.2020 or on any other date suitable to all concerned.

The application is disposed of in the above terms.

19.02.2020
shamsher

[DEEPAK SIBAL]
JUDGE

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