

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

ARB-513-2021

Date of Decision: 21.12.2021

M/s. Rana Tanker Transport

..... Petitioner(s)

Versus

Hindustan Petroleum Corporation Ltd. and others

..... Respondent(s)

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. R.C. Sharma, Advocate
for the petitioner.

Mr. Raman Sharma, Advocate
for the respondent.

LISA GILL, J.

Prayer in this petition under Section 11 of the Arbitration and Conciliation Act, 1996 (for short – ‘the Act’) is for appointment of sole independent Arbitrator for resolution of disputes and differences arising out of Agreement dated 27.12.2017, Annexure A-1, executed between the parties.

Short reply on behalf of the respondents, filed in Court today, is taken on record, subject to just exceptions. It is stated that petitioner did not raise a proper demand for seeking reference of dispute for arbitration.

Heard learned counsel for the parties.

Transport agreement dated 27.12.2017 was admittedly executed between the petitioner and the respondents. Respondents have repudiated the claim. Reference has been made to reply dated 17.09.2021 in response to notice dated 26.07.2021. Dispute arose between the parties and notice

dated 26.07.2021 (Annexure A-4) was admittedly served upon the respondents by the petitioner. Clause 18 of the agreement provides for resolution of the dispute through arbitration.

Existence of an arbitrable dispute between the parties is not denied, neither is the existence of the arbitration clause denied.

Keeping in view the facts and circumstances as above, this petition is allowed and Mr. Amarjit Singh Katari, District and Sessions Judge (Retd.), resident of House No. 145, Phase 3B1, Sector-60, Mohali, Mobile No.98141-12041, is appointed as the Sole Arbitrator to resolve the dispute/differences between the parties. Appointment is subject to declaration to be made by the Arbitrator under Section 12 of the Act with regard to his independence and impartiality to settle the disputes between the parties. The Arbitrator to complete the proceedings within the time limit specified under Section 29-A of the Act. The Arbitrator shall be paid fee in accordance with the Fourth Schedule of the Act, as amended from time to time to be borne equally by the parties.

A copy of this order be dispatched to Mr. Amarjit Singh Katari, District and Sessions Judge (Retd.), at the following address:-

House No. 145, Phase 3B1, Sector-60, Mohali, Mobile No.98141-12041.

21.12.2021

Sunil

(Lisa Gill)
Judge

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