

236

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

**ARB No.96 of 2019 (O&M)
Date of Decision: 18.10.2022**

Punjab State Warehousing Corporation

.....Petitioner

Vs

Arno Rice and General Mills

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. Karan Singla, Advocate
for the petitioner.

Mr. Sachin Jain, Advocate
for the respondent.

RAJ MOHAN SINGH, J.(Oral)

[1]. Petitioner has filed the present petition under Section 11 of the Arbitration and Conciliation Act, 1996 for appointment of an arbitrator with mutual consent to settle the dispute between the parties.

[2]. Perusal of the record would show that earlier CR No.6010 of 2017 was filed by the respondent M/s Arno Rice &

General Mills against the present petitioner, challenging the order dated 02.08.2017 passed by the then Arbitrator, vide which the application filed by the petitioner therein for dropping of arbitral proceedings in view of order dated 23.08.2016 passed by Additional District Judge, Patiala was dismissed.

[3]. Evidently, an award was passed by the Arbitrator on 09.04.2013, against which, objections under Section 34 of the Act were filed by the present respondent.

[4]. The objection petition was accepted by the Additional District Judge, Patiala and award dated 09.04.2013 was set aside with a direction to both the parties to appoint a fresh Arbitrator, if so advised, as per their mutual agreement after keeping in view the mandatory provisions of the Act. Thereafter, the present petitioner appointed fresh Arbitrator without concurrence of the present respondent and the present respondent filed an application for dropping of arbitral proceedings in view of order dated 23.08.2016 passed by the Additional District Judge, Patiala.

[5]. With the aforesaid grievance, the present respondent approached this Court by way of CR No.6010 of 2017 in order to nullify the effect of newly appointed Arbitrator which was not in consonance with the order dated 23.08.2016 passed by the Additional District Judge, Patiala.

[6]. This Court vide order dated 21.11.2018, accepted the revision petition filed by the present respondent in view of factual position involved in the case. It was observed that the fresh Arbitrator be appointed by the competent authority strictly in terms of order dated 23.08.2016 passed by the Additional District Judge, Patiala.

[7]. Thereafter, the present petitioner issued a letter to the respondent on 31.12.2018 for giving consent for appointment of new Arbitrator in compliance of order dated 21.11.2018 passed by this Court.

[8]. Respondent filed reply to the aforesaid letter dated 31.12.2018, thereby not acceding to the response of the petitioner by saying that the matter has attained finality and there is no need to appoint any fresh Arbitrator. That is how, the present petition came to be filed for appointment of new Arbitrator in compliance of order dated 21.11.2018 and non-adherence to the same by the present respondent.

[9]. Petitioner has valued its claim tentatively to the tune of Rs.1,81,49,468/- at the time of submitting the claim petition on 22.03.2012.

[10]. In view of order dated 21.11.2018 passed by this Court, this petition has to be allowed. An Arbitrator needs to be

appointed for adjudicating the dispute between the parties.

[11]. In view of above, I hereby appoint HMJ Jaspal Singh (Retd.), House No.506, Lane 9N/1, The Foothills Cooperative Residential Society, Mullanpur, New Chandigarh, Mobile Nos.8558809910, 9888002123 as the sole Arbitrator, to resolve the dispute/difference between the parties. The appointment of the Arbitrator shall be subject to the declaration to be made by him as required under Section 12 of Arbitration and Conciliation Act, 1996 in respect of his independence and impartiality to settle the dispute between the parties.

[12]. The Arbitrator would complete the proceedings within the specified time in terms of Section 29-A of the Act. The Arbitrator shall be paid fee in accordance with the IVth Schedule of the Act as amended from time to time. The fee shall be borne by both the parties equally.

[13]. The venue of the Arbitration shall be the place to be disclosed by the Arbitrator according to his convenience.

[14]. A copy of this order be dispatched to the Arbitrator at the following address:-

HMJ Jaspal Singh (Retd.),
House No.506, Lane 9N/1, The Foothills Cooperative
Residential Society, Mullanpur, New Chandigarh,
Mobile Nos.8558809910, 9888002123

[15]. Petition stands disposed of accordingly.

18.10.2022

Prince

Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No