

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

Arbitration Case No. 27 of 2022
Date of decision: 14th March, 2023

M/s ROC Foods Ltd.

Petitioner

Versus

Star Foods and another

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Gunjan Rishi, Advocate for the petitioner.
Mr. P. K. Kukreja, Advocate for the respondents.

AVNEESH JHINGAN, J (Oral):

This is a petition under Section 11 of the Arbitration and Conciliation Act, 1996 (for short, 'the Act') for appointment of an arbitrator for adjudication of disputes between the parties.

The parties entered into a lease agreement for chicken processing primary plant situated at Ropar Kurali Road, Banmajra, Kurali, Punjab. Clause 9.16 of the general terms and conditions provides for dispute resolution through arbitration mechanism.

There was a dispute between the parties.

The petitioner served notice dated 15.11.2021 for appointment of arbitrator. The needful having not been done, the present petition was filed.

Learned counsel for the respondents submits that the issue that entire claim is not arbitrable be kept open.

Learned counsel for the parties agree to the appointment of Mr. Justice Harbans Lal, former Judge of this Court as arbitrator.

The venue of the proceedings shall be fixed by the arbitrator

with the consent of both the parties.

Accordingly, the present petition is disposed of by appointing Mr. Justice Harbans Lal, former Judge of this court, H. No. 3006-A, Sector 39-D, Chandigarh as sole arbitrator.

Needless to say that the respondents would be at liberty to raise the issues before the arbitrator.

The arbitrator shall be paid fee in accordance with the Fourth Schedule of the Act, as amended. The fee of the arbitrator will be equally borne by both the parties.

The arbitrator is requested to complete the proceedings as per time limit specified under Section 29A of the Act.

It is clarified that the reference shall be subject to the petitioner's complying with all the requirements of the agreement including the condition of pre-deposit.

Since the main case has been disposed of, pending applications, if any, stand disposed of.

Copy of the order be sent to the appointed arbitrator.

[AVNEESH JHINGAN]
JUDGE

14th March, 2023
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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |