

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

Arbitration Case No. 215 of 2021
Date of decision: 13th February, 2023

Anita, Proprietor of Green Tech Enterprises

Petitioner

Versus

HPCL Mittal Energy Limited

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Rohan Mittal, Advocate for the petitioner.
Mr. Rajesh Markanda, Advocate for the respondent.

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 petitioner was allotted work for development of plantation at HMEL's refinery located in Bathinda. Clause 17 of the general terms and conditions provides for dispute resolution through arbitration.

The dispute arose between the parties.

The petitioner served notice dated 29.12.2020. The needful having not been done, the present petition was filed.

Learned counsel for the respondent submits that its plea that the petitioner had given no claim certificate be kept open.

Prima facie there is dispute between the parties. Clause of the arbitration is also not disputed.

Learned counsel for the parties agree to the appointment of Mrs. Justice Raj Rahul Garg (Retd.) Judge of this court as an arbitrator.

Accordingly, the present petition is disposed of by appointing Mrs. Justice Raj Rahul Garg (Retd.) Judge of this court, H. No.

266, Sector 21, Panchkula as the sole arbitrator subject to declaration to be made by her under Section 12 of the Act with regard to independence and impartiality to settle the dispute between the parties.

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.

13th February, 2023

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[AVNEESH JHINGAN]

JUDGE

1. Whether speaking/ reasoned

:

Yes / No
2. Whether reportable

:

Yes / No