

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

CWP-23798-2018

Date of Decision: 13th March, 2023

Som Nath

... Petitioner

Versus

Union of India and others

... Respondents

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr. Rahul Makkar, Advocate for the petitioner.

Mr. Abhinav Gupta, Advocate for respondent No.1 to 3 UOI.

AVNEESH JHINGAN , J.(Oral)

1. This writ petition is filed seeking directions to the arbitrator to finalize the arbitration proceedings at the earliest.

2. The petitioner was awarded three work orders by the respondents. The terms and conditions provided for dispute resolution through arbitration. On a claim raised by the petitioner, sole arbitrator was appointed. He entered into reference dated 22nd January, 2007. The arbitration proceedings concluded, written arguments submitted by both the parties on 11th November, 2010 and thereafter stamp papers were supplied for publishing of the award. The grievance is that till date the award has not been pronounced.

3. Learned counsel for the petitioner submits that the arbitration proceedings concluded in 2010 and till date the award has not been pronounced. He submits that directions be issued to the arbitrator for pronouncing the award.

4. Learned counsel for respondents No. 1 to 3 is not disputing the actual position.

5. The decision was reserved in 2010 and for more than twelve years award is awaited. As per the Annexure R-2 dated 4th July, 2019 annexed with the reply of respondents No. 1 to 3, the arbitrator had written a letter to the Executive Engineer, Prasar Bharti that he has traced out the old files and would publish the award within four weeks. It is not disputed that till date needful has not been done. It would not be appropriate for this Court to exercise the writ jurisdiction directing the arbitrator to pronounce the award after such a long delay. It would be humanly impossible after lapse of twelve years to remember the facts, arguments and the fine points involved in the case.

6. At this stage learned counsel for the petitioner submits that he has already moved an application for change of the arbitrator.

7. No case is made out for interference in writ jurisdiction, the petition is dismissed. However, petitioner would be at liberty to avail remedies in accordance with law including pursuing the application for change of arbitrator.

(AVNEESH JHINGAN)
JUDGE

13th March, 2023

Parveen Sharma

Whether reasoned/speaking
Whether reportable

Yes/No
Yes/No