

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

Arbitration Case No.327 of 2022

Date of decision: 19th April, 2023

M/s S. P. Construction

Petitioner

Versus

M/s Fanuc India Pvt. Ltd.

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Daman Dhir and Ms. Poonam Rani, Advocates
for the petitioner.
Mr. Rajat Chopra, 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 brief facts are that the petitioner-firm was issued work order on 24.12.2015 by the respondent. Clause 14 of the terms and conditions provided for dispute resolution through arbitral Tribunal constituting of three arbitrators. The petitioner had nominated Brig. Arun Mehta. On failure of the respondent to nominate the second arbitrator, the petitioner approached this court and during pendency, the respondent nominated Mr. Kirti Uppal, Senior Advocate as arbitrator. The petition was disposed of by observing that the appointed arbitrators shall proceed with the appointment of presiding arbitrator. In the meantime, Brig. Arun Mehta intimated his discontinuation from the arbitration. The petitioner nominated

Mr. Baljit Singh, Additional Director General (Retd.) and sent the information to the respondent but no action was taken. In this petition, three names were suggested by the petitioner for nominating as presiding arbitrator.

The respondent has filed the reply, the same is taken on record.

Learned counsel for the parties on instructions agree that Mr. Justice Rajiv Narain Raina, former Judge of this Court, as presiding arbitrator.

Accordingly, the petition is disposed of by appointing Mr. Justice Rajiv Narain Raina, former Judge of this Court, # F8-3, Ground Floor, DLF Valley, Sector 3, Pinjor-Kalka Urban Complex, Panchkula as presiding arbitrator. The arbitrator is appointed subject to declaration to be made by him under Section 12 of the Act with regard to his 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 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.

Copy of the order be sent to the appointed arbitrator.

[AVNEESH JHINGAN]
JUDGE

19th April, 2023
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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |