

Arbitration Case No. 360 of 2022

[1]

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

Arbitration Case No. 360 of 2022

Date of decision: 3rd February, 2023

M/s IKE Pvt. Ltd.

Petitioner

Versus

Haryana Vidyut Prasaran Nigam Ltd.

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Nippun Sharma, Advocate for the petitioner.
Mr. Virish Dahiya, Advocate for
Mr. Deepak Balyan, Advocate
for the respondent.

AVNEESH JHINGAN, J (Oral):

1. 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.

On 16.12.2022, following order was passed:

“This is an application filed under section 11(6) of the Arbitration and Conciliation Act, 1996 seeking appointment of an arbitrator to adjudicate upon the disputes between the parties in terms of clause 48 of the contract entered into between the parties. It is submitted that inspite of the notice being issued to the respondent, no arbitration has been appointed.

As the prayer for appointment is not opposed and therefore, this Court proposes to appoint Justice Rajiv Sharma, a former Judge of this Court, as sole arbitrator to adjudicate upon the disputes between the parties.

In the circumstances, necessary declaration as required under section 12 of the Act be obtained from Justice Rajiv Sharma and the same be placed on record.

Adjourned to 03.02.2023”.

2. In compliance with the aforesaid order, declaration as required under Section 12 of the Act has been received.
3. Accordingly, the present petition is disposed of by appointing Mr. Justice Rajiv Sharma, former Judge of this High Court as sole arbitrator.
4. 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.
5. The arbitrator is requested to complete the proceedings as per time limit specified under Section 29A of the Act.
6. 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.
7. Since the main case has been disposed of, pending applications, if any, stand disposed of.
8. Copy of the order be sent to the appointed arbitrator.

[AVNEESH JHINGAN]
JUDGE

3rd February, 2023

anuradha

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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |