

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

Arbitration Case No. 6 of 2022
Date of decision: 30th January, 2023

Origo Commodities India Pvt. Ltd.

Petitioner

Versus

Punjab State Warehousing Corporation

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Shrey Goel, Advocate for the petitioner.
Mr. Vikas Singh, 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 tender for providing services for preservation of food grains, security cover and other incidental services at warehouses of respondent at various places in Punjab. Clause 23 of the general terms and conditions provides for dispute resolution through arbitration. As per the clause, Managing Director of the respondent-Corporation or his authorised representative would be the arbitrator.

The grievance raised by learned counsel for the petitioner is that after amendment under Section 12(5) of the Act, the official of the respondent cannot be the arbitrator.

Learned counsel for the respondent opposes the prayer but in view of the decisions of the Supreme Court in **TRF Ltd. v. Energo Engineering Projects Ltd.**, 2017(8) SCC 377 and **Bharat Broadband Network Limited v. United Telecoms Limited**, 2019(5) SCC 755, he is not in a position to raise a substantial objection for appointment of an

independent arbitrator at Chandigarh.

Accordingly, the present petition is accordingly disposed of by appointing Mr. Justice Rajiv Narain Raina, retired Judge of this court, H. No. E/8-03(GF), DLF-The Valley (near Amravati Enclave), Pinjore-Kalka Urban Complex, Sector 3, Panchkula as the sole arbitrator subject to declaration to be made by him under Section 12 of the Act with regard to independence and impartiality to settle the dispute between the parties.

Needless to say that the respondents would be at liberty to raise the objections 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

30th January, 2023
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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |