

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

Arbitration Case No. 581 of 2021 (O&M)

Date of decision: 20th February, 2023

M/s Gomati Enterprises

Petitioner

Versus

Managing Director, Haryana State Warehousing Corporation & another

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Robin Dutt, Advocate for the petitioner.
Mr. Prateek Mahajan, Advocate for the respondents.

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 entered into an agreement dated 2.10.2015 for converting the paddy into rice. Clause 24 of the general terms and conditions provided for dispute resolution mechanism through arbitration.

There was a dispute between the parties.

The petitioner served legal notice dated 14.9.2021. The needful having not been done, the present petition was filed.

Learned counsel for the respondents submits that there is an amount due towards the petitioner. He seeks liberty to file counter claim in case need so arises.

Learned counsel for the parties agree to the appointment of Mr. S. P. Singh, District & Sessions Judge (Retd.).

Accordingly, the present petition is disposed of by appointing Mr. S. P. Singh, District & Sessions Judge (Retd.), H. No. 151, Tribune Mitra Vihar, Sector 29, Panchkula as sole arbitrator.

Needless to say that the issues raised by learned counsel for the respondents can be decided by the arbitrator during arbitration proceedings.

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, stands disposed of.

Copy of the order be sent to the appointed arbitrator.

[AVNEESH JHINGAN]
JUDGE

20th February, 2023
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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |