

2023:PHHC:066760
Arbitration Case No. 472 of 2022 [1]

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

Arbitration Case No. 472 of 2022
Date of decision: 9th May, 2023

Himani Boiler & Pressure Equipments

Petitioner

Versus

The Palwal Co-operative Sugar Mills Ltd.

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Aman Pal, Advocate for the petitioner.
Mr. Sourabh Goel, 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.
2. The petitioner was allotted tender for expansion of crushing capacity of sugar mill. Clause 21 of the general terms and conditions provides for dispute resolution through arbitration. Clause 20 deals with amicable settlement of the dispute. Notice under Section 21 of the Act was issued on 31.8.2022.
3. Learned counsel for the respondent submits that as per Clause 20, remedy for amicable settlement of the dispute with the intervention of the Managing Director, Sugar Fed, Haryana is available.
4. Learned counsel for the petitioner submits that Managing Director, Sugar Fed, Haryana was party in the dispute, he had appointed an enquiry committee and directed that action be taken as per enquiry report. Approaching Managing Director, Sugar Fed, Haryana would be a futile exercise.
5. Learned counsel for the parties agree to the appointment of Mr. Justice Ajay Kumar Mittal, former Chief Justice as sole arbitrator.
6. The petition is accordingly disposed of by appointing

Mr. Justice Ajay Kumar Mittal, former Chief Justice, H. No. 26, Sector 4, Chandigarh as the sole arbitrator. The venue of the arbitration will be decided by him with the consent of both the parties. He 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.

7. The arbitrator shall be paid fee in accordance with the Fourth Schedule of the Act, as amended.
8. The arbitrator is requested to complete the proceedings as per time limit specified under Section 29A of the Act.
9. It is clarified that the reference shall be subject to the petitioner's complying with all the requirements of the agreement.
10. Needless to say that respondent will be at liberty to raise all the issues in arbitration proceedings.

[AVNEESH JHINGAN]
JUDGE

9th May, 2023
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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |