

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

Arbitration Case No. 6 of 2019 (O&M)

Date of decision: 24th January, 2023

Hindustan Hydraulics Pvt. Ltd.

Petitioner

Versus

Union of India and others

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Ms. Preneet Kaur, Advocate for the petitioner.
Mr. Shobit Puthela, Advocate for respondent No. 1.

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 a contract agreement for design, manufacture, supply, installation and commissioning of CNC Press break of 650 ton capacity. Clause 3200 of the contract agreement provided for dispute resolution through arbitration.

The petitioner raised a claim and served notice dated 28.4.2018 for appointment of an arbitrator. On failure to do the needful, the present petition was filed.

Learned counsel for respondent No. 1 submits that the claim is time barred. He seeks liberty to raise the issue of limitation before the arbitrator.

Learned counsel for the parties agree to the appointment of Mr. Bua Jee Sansi, Addl. District & Sessions Judge (Retd.) as abitrator.

Accordingly, the present petition is accordingly disposed of

by appointing Mr. Bua Jee Sansi, Addl. District & Sessions Judge (Retd.), H. No. 59, Tara Singh Avenue, Basti Bawa Khel, Kapurthala Road, Jalandhar as the sole arbitrator 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 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

24th January, 2023
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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |