

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

Arbitration Case No. 3386 of 2018 (O&M)

Date of decision: 24th February, 2023

M/s Max Super Speciality Hospital

Petitioner

Versus

Senior State Medical Commissioner and other

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Nakul Sharma, Advocate for the petitioner.
Mr. Ashwani Talwar, 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 brief facts are that the petitioner entered into an agreement dated 20.6.2013 for providing facilities to ESI beneficiaries at discounted rates. Clause 11 provided for dispute resolution through arbitration.

There was a dispute between the parties.

The petitioner served notice dated 18.9.2018 for appointment of the arbitrator. The needful having not been done, the present petition was filed.

Learned counsel for the parties agree for appointment of Mr. Kamal Kant, District & Sessions Judge (Retd.) as sole arbitrator.

Accordingly, the present petition is disposed of by appointing Mr. Kamal Kant, District & Sessions Judge (Retd.), H. No. 1218, Sector 21B, Chandigarh as 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 respondent would be at liberty to raise the issue of limitation before the arbitrator.

The clause in the terms and conditions and Fourth Schedule of the Act shall govern the fee of the arbitrator. 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 February, 2023
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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |