IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

ARB-201-2023(O&M)
Date of decision:-19.01.2024

M/s Mahavir Transmission Ltd.

...Petitioner

Versus

Uttar Haryana Bijli Vitran Nigam Ltd.

...Respondent

CORAM : HON'BLE MR. JUSTICE SUVIR SEHGAL

Present : Mr.Tarun Vir Singh Lehal, Advocate
for the petitioner.

Mr.Baldev Raj Mahajan, Sr.Advocate with
Mr.Prateek Mahajan, Advocate and
Mr.Vasu Gupta, Advocate
for the respondent – UHBVN.

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SUVIR SEHGAL, J.(ORAL)

CM-8281-CII-2023

Exemption, as prayed for, is granted.

Application is allowed.

ARB-201-2023(O&M)

1. By way of instant petition filed under Section 11 (6) of the Arbitration and Conciliation Act, 1996 (for short "the Act"), petitioner has approached this Court for appointment of an Arbitrator in terms of purchase order dated **12.09.2014**, Annexure P2, issued by respondents.

2. Respondents have filed a short reply whereby they have

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neither disputed the purchase order nor the arbitration clause. Notice invoking the arbitration clause is also admitted by them. Mr.Mahajan, has, however submitted that the question as to whether a person, who is ineligible to be an arbitrator can nominate another arbitrator is pending before the larger Bench of the Supreme Court in ***Steel Limited Versus South Western Railway & Anr., 2022 LiveLaw (SC) 693***. However, in the reply, respondents have appended letter dated **02.06.2023**, Annexure R4 whereby they have suggested three names to be appointed as arbitrators.

3. In view of the above, this Court has no hesitation in accepting the prayer made in the petition.

4. Accordingly, petition is allowed. Ms.Justice Navita Singh, (Retd.), a former Judge of this Court, Flat No.309, 9th Floor, Jaishree Tower, Swastik Vihar, Sector – 5, MDC, Panchkula, is appointed as the sole Arbitrator to adjudicate the dispute between the parties, subject to declaration to be made under Section 12 of the Act with regard to her independence and impartiality to adjudicate the dispute between the parties.

5. Parties are directed to appear before the learned Arbitrator on the date, time and place to be fixed and communicated by the learned Arbitrator.

6. The arbitrator shall be paid fee in accordance with the Fourth Schedule of the Act, as amended.

7 Needless to mention, respondents will be at liberty to raise all the pleas before the Arbitrator.

8. Copy of the order be sent to the appointed Arbitrator.

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9. Pending miscellaneous application, if any, stands disposed of.

(SUVIR SEHGAL)
JUDGE

19.01.2024
Brij
Whether reasoned/speaking : Yes/No
Whether reportable : Yes/No

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