

**RA-CR-70-2024 IN ARB-490-2023****-1-**

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

(263-2)**RA-CR-70-2024 IN ARB-490-2023****DATE OF DECISION:- 17.07.2024****M/S JAGDISH RAJ & BROTHERS****...PETITIONER****VERSUS****UNION OF INDIA AND OTHERS****...RESPONDENTS****CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL**

Present:- Mr. Chander Mohan Sharma, Advocate
Senior Panel Counsel,
for applicant-respondent No.2.

Mr. Dheeraj Mahajan, Advocate
for the non-applicant-petitioner.

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SUVIR SEHGAL, J. (Oral)

1. By way of this Review Application, filed under Section 114, CPC, applicant-respondents have sought recalling of order dated 19.04.2024, passed by this Court, whereby, petition filed under Section 11 (6) of the Arbitration and Conciliation Act, 1996 (for short "the Act"), has been accepted, and an Arbitrator has been appointed.

2. Counsel for applicant-respondent No.2 states that this Court does not have the power to appoint an Arbitrator, in view of Section 11 (7) of the Act.

3. Counsel for the non-applicant-petitioner has invited the attention of the Court to Section 11 (7), of the Act, as it exists today and is reproduced

“(7) A decision on a matter entrusted by sub-section (4) or sub-section (5) or sub-section (6) to the Supreme Court or, as the case may be, the High Court or the person or institution designated by such Court is final and no appeal including Letters Patent Appeal shall lie against such decision.”

4. Mr. Mahajan submits that Section 11 Sub-Section 7 of the Act was omitted by virtue of Section 3 of the Arbitration and Conciliation (Amendment) Act, 2021, which has not been notified till date. He has also invited the attention of the Court to this Scheme for Appointment of the Arbitrators by the Chief Justice of Punjab and Haryana, 2003, to submit that by virtue of Clause 3 of the Scheme, the Chief Justice has the power to deal with the request for appointment of an Arbitrator himself or can designate any Judge for this purpose by a special or general order.
5. Heard.
6. There is force in the submissions of the counsel for the applicant-petitioner, which are accepted.
7. Non-applicant-respondent No.2 has filed the application to delay the arbitral proceedings. There is no error apparent on the face of the record.
8. Review Application is dismissed.

(SUVIR SEHGAL)

JUDGE

17.07.2024

Pardeep

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes/No