



ARB-252-2024

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(109)

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

ARB-252-2024

Date of decision : 24.05.2024

Laqshya Outdoors

.....Petitioner

Versus

Jalandhar City Transport Service Ltd.

....Respondent

CORAM: HON'BLE MR. JUSTICE G.S. SANDHAWALIA, ACTING CHIEF JUSTICE

Present: Mr. Jagdeep Singh Rana, Advocate, and
Mr. Chiranjeev, Advocate,
for the petitioner.

G.S. SANDHAWALIA, ACTING CHIEF JUSTICE (Oral)

1. The present petition, which is patently time barred, has been filed under Section 15 (2) read with Section 11 of the Arbitration and Conciliation Act, 1996 (in short 'the Act') for appointment of substitute Arbitrator.

2. Apparently, learned Arbitrator was appointed vide order dated 19.07.2013 (Annexure P-2) passed in Arbitration Case No. 57 of 2013. Vide order dated 05.12.2018 (Annexure P-3), he recused from hearing the matter. Thereafter, the petitioner or the respondent as such chose not to approach this Court for appointment of substitute Arbitrator. The first communication was written on 25.02.2020 (Annexure P-4), whereby name of another retired Judge of this Court was forwarded by the petitioner to the respondent. Thereafter, after three years, vide another communication dated 14.02.2023 (Annexure P-5) sent to the respondent, the same name was repeated. The present petition



has been filed only on 15.05.2024 after a period of more than one year from the last notice served. In such circumstances, it is apparent that the petitioner Company as such was never serious about the factum of pursuing its right as such. With the efflux of time, the matter as such has now rendered barred by limitation.

3. Learned counsel for the petitioner has vehemently submitted that there were attempts for mutual settlement of disputes between the parties from the year 2020 to 2022 and, therefore, steps could not be taken for appointment of substitute Arbitrator.

4. In such circumstances, this Court is of the considered opinion that keeping in view the mandate of the Act as such, which prescribes early disposal of the disputes, the purpose of appointment of substitute Arbitrator would stand frustrated at this point of time after a period of five and half years. The petitioner has shown no concern or earnest effort as such to expeditiously approach this Court immediately after the earlier Arbitrator had withdrawn from the proceedings on 05.12.2018. Thus, it is not a fit case to call upon the respondent for appointment of substitute Arbitrator.

5. Resultantly, the petition stands dismissed.

(G.S. SANDHAWALIA)
ACTING CHIEF JUSTICE

May 24, 2024
ndj

Whether speaking/reasoned	Yes
Whether reportable	No