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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(224)

ARB-288-2023
Date of decision:- 09.02.2024

M/s Ansh Fright Carrier

... Petitioner

Versus

The Indian Oil Corporation Ltd. and others

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Ramesh Sharma, Advocate
for the petitioner.

Mr. Ashish Kapoor, Advocate
for the respondents.

SUVIR SEHGAL, J. (ORAL)

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 seeking appointment of an Arbitrator to settle the disputes between the parties.
2. Written statement filed on behalf of respondents No.1 to 3 is taken on record.
3. I have heard counsel for the parties.
4. In their response, respondents have not disputed the contract and submit that the contract was for a maximum period of five years. It has been admitted that Clause 79 of the agreement provides for resolution of disputes by a sole Arbitrator and a dispute has arisen between the parties

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over the rate at which the payment is to be made. It is also evident from the record that the petitioner has served a legal notice dated 18.04.2022, Annexure P-4, invoking the arbitration clause, to which respondents have submitted a reply dated 07.05.2022, Annexure P-5, rejecting the request for appointment of an Arbitrator. In view of the above factual position, prayer made in the petition deserves to be acceded to.

5. Accordingly, petition is allowed. Mr. Justice Darshan Singh, H.No. 56, Sector 16-A, Chandigarh, Mob No. 08558809940, a former Judge of this Court, is appointed as the sole Arbitrator to adjudicate the dispute between the parties, subject to declaration to be made by him under Section 12 of the Act with regard to his independence and impartiality to adjudicate the dispute between the parties.

6. Parties are directed to appear before the Arbitrator on 06.03.2024 at 11:00 A.M. at the address mentioned above or at any other place to be fixed at the convenience of the Arbitrator.

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

8. The Arbitrator is requested to complete the proceedings as per time limit specified under Section 29-A of the Act.

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

(SUVIR SEHGAL)
JUDGE

09.02.2024
Kamal

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No