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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

ARB-402-2022(O&M)
Date of decision:-30.01.2024

J K Tyre & Industries Ltd.

...Petitioner

Versus

State of Haryana through Transport Commissioner, Haryana

...Respondent

CORAM : HON'BLE MR. JUSTICE SUVIR SEHGAL

Present : Mr.Deepak Jain, Advocate
for the petitioner.

Mr.Sharad Aggarwal, DAG, Haryana.

SUVIR SEHGAL, J.(ORAL)

CM-13791-CII-2022

Exemption, as prayed for, is granted.

Application is allowed.

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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.

2. Short reply by way of an affidavit, has been filed by the

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respondent contesting the petition.

3. Counsel for the parties have been heard.

4. Perusal of the documents appended with the paper-book makes it clear that arbitration clause is part of the terms and conditions of the notice inviting tender as well as of the purchase order placed by the respondents. Notice invoking the arbitration clause was issued on 02.09.2022, Annexure P19, raising certain disputes, to which the respondents sent a reply dated 29.09.2022, Annexure P20. In its response, respondent has neither disputed the purchase order nor the arbitration clause. It has been admitted that the notice invoking the arbitration clause was served and by Annexure P20, respondent requested the petitioner to approach the Additional Chief Secretary to the Government of Haryana for appointment of an Arbitrator. In view of the above, the petition deserves to be accepted.

5. Accordingly, petition is allowed. Sh.Jagdish Singh Khushdil, District & Sessions Judge (Retd.), r/o House No.5412, HIG (Ind.), Sector 38 West, Chandigarh, M:8558803871, 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.

6. Parties are directed to appear before the Arbitrator on 27.02.2024 at 11:00 A.M. at the address mentioned above or at any other place to be fixed by 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

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per time limit specified under Section 29-A of the Act.

- 9. Needless to mention, respondents will be at liberty to raise all the pleas before the Arbitrator.
- 10. Copy of the order be sent to the appointed Arbitrator.
- 11. Pending application stands disposed of.

(SUVIR SEHGAL)
JUDGE

30.01.2024

Brij

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