



**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**
(246)

CWP-23553-2024
Date of decision:- 21.11.2024

M/s Bhullar Micro Breweries

... Petitioner

Versus

Euthoria Developers Pvt. Ltd. And another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Vivek Salathia, Advocate for the petitioner.

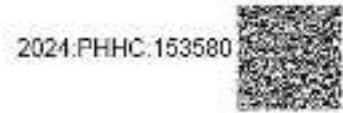
Mr. Sandeep Vermani, Advocate for respondent No.1.

SUVIR SEHGAL, J. (ORAL)

1. Petitioner has approached this Court under Article 226/227 of the Constitution of India *inter-alia* for issuance of a writ in the nature of certiorari for quashing impugned order dated 28.06.2024, Annexure P-11, passed by the learned Arbitrator, whereby an application filed under Section 16 of the Arbitration and Conciliation Act, 1996 (for short “the Arbitration Act”) by the petitioner has been rejected.

2. By making a reference to Arbitration Clause 37.1 of the agreement, Annexure P-1,, counsel for the petitioner has contended that power to appoint an Arbitrator has been exclusively vested in respondent No.1, who has made a unilateral appointment. It has been asserted that the consent of the petitioner was never obtained and the appointment is contrary to the decision of the Supreme Court in *Perkins Eastman Architects DPC and another Versus HSCC (India) Ltd., 2020(20) SCC 760.*

3. Counsel for the respondent No.1 has contested the petition and supported the appointment, but upon instructions from Mr. Vikram Singh,



Legal Advisor of respondent No.1 submits that he does not have any objection, in case, the mandate of the already appointed Arbitrator is terminated and a substitute Arbitrator is appointed in her place.

4. Counsel for the petitioner has given concurrence to this course being adopted.

5. In view, thereof, mandate of the Arbitrator appointed by respondent No.1 vide letter dated 09.03.2024, Annexure R-4/1, is terminated and in her place, Mr. Justice (Retd.) R.L. Anand, a former Judge of this Court, resident of # E 223, Ranjit Avenue, Amritsar, Mobile No. 98721-74499, is nominated as an Arbitrator to adjudicate the dispute between the parties, subject to compliance of statutory provisions.

6. Parties are directed to appear before the learned Arbitrator on date, time and place fixed and communicated by the learned Arbitrator at his convenience.

7. Parties will be at liberty to raise all claims, counter claims, defences, pleas etc. before the learned Arbitrator.

8. Needless to mention that all the questions arising between the parties in this matter will remain open for determination in the arbitral proceedings and any observation hereinabove made will not be binding on the learned Arbitrator.

9. A request letter alongwith a copy of the order be sent to Mr. Justice (Retd.) R.L.Anand.

21.11.2024

Kamal

(SUVIR SEHGAL)
JUDGE

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