

ARB-456-2022

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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(274)

ARB-456-2022

Date of decision:- 29.04.2024

Mahender Singh

... Petitioner

Versus

Municipal Corporation, Rohtak

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- None for the petitioner.

Mr. Prateek Mahajan, Advocate for the respondent.

SUVIR SEHGAL, J. (ORAL)

1. By way of instant petition filed under Section 11 of the Arbitration and Conciliation Act, 1996 (for short “the Act”), petitioner has approached this Court for appointment of an independent person as a Sole Arbitrator to adjudicate the disputes and differences arising out of Contract Agreement, Annexure P-1.
2. Upon notice, short reply has been filed on behalf of the respondent, wherein it has been *inter-alia* submitted that the petition is liable to be dismissed for non-joinder of necessary parties. It has been submitted that the disputes had to be referred to the named Arbitrator, i.e., Superintendent Engineer, Building and Roads, PWD, Rohtak and although the petitioner had requested the named Arbitrator to take up the matter, but he returned it vide his communication, Annexure P-3. The objection raised is that the said official should have been impleaded as a party.
3. I have heard counsel for the respondent and considered his submission.

4. Respondent has not disputed that the petitioner has invoked the Arbitration Clause by serving a notice dated 18.07.2022, Annexure P-4. There is nothing on the record to show that the respondent appointed an Arbitrator within 30 days of the receipt of the notice, Annexure P-4. Accordingly, the respondent has lost the right to make the appointment and cannot insist that the Arbitrator named in the Arbitrator Clause should be appointed or impleaded as a party. The objection raised by the respondent is, therefore, rejected.
5. Accordingly, petition is allowed. Sh. Balbir Singh, District & Sessions Judge (Retd.), resident of H. No. 115-SP, Sector 25, Panchkula, Mobile No. 9416791008 is appointed as the sole Arbitrator to adjudicate the dispute arising out of Contract Agreement, 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.
6. Parties are directed to appear before the Arbitrator on 13.05.2024 at 11:00 A.M. at the address mentioned above or at any other place, time or date to be fixed by the Arbitrator.
7. Fee shall be paid in accordance with the Fourth Schedule of the Act, as amended.
8. 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

29.04.2024

Kamal

Whether Speaking/Reasoned	Yes/No
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