

ARB-465-2023

-1-

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(113)

ARB-465-2023
Date of decision:- 01.02.2024

M/s Dashmesh Abulk Carriers ... 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 of the Arbitration and Conciliation Act, 1996 (for short “the Act”), petitioner has approached this Court for appointment of an Arbitrator to settle the dispute between the parties.
2. Written statement has been filed by the respondent opposing the petition.
3. Counsel for the parties have been heard.
4. By placing reliance upon Section 19 (2) (a) of the Indian Partnership Act, 1932, respondents have taken an objection that a single partner, without any authorization or resolution from the partnership firm, cannot invoke the Arbitration Clause. This Court is of the view that this issue can be gone into by the Arbitrator and liberty is granted to the respondents to raise it before him.

5. Counsel for the respondents further submits that in terms of Clause 18 (p) of the agreement, Annexure A-1, disputes having financial claims of less than Rs.5 lacs are not to be referred to an Arbitrator. Controverting him, counsel for the petitioner submits that the total claim raised is more than Rs.20 lacs.
6. In view of the above, prayer made in the petition deserves to be accepted.
7. Accordingly, petition is allowed. Sh. B.S. Mehendiratta, H. No.2509, Extension 6, Near Kidzee School, Old Sunny Enclave, Kharar, SAS Nagar, Mohali, a former District & Sessions Judge, 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.
8. 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 with the consent of the parties.
9. The arbitrator shall be paid fee in accordance with the Fourth Schedule of the Act, as amended.
10. The arbitrator is requested to complete the proceedings as per time limit specified under Section 29-A of the Act.
11. Copy of the order be sent to the appointed arbitrator.

01.02.2024

Kamal

(SUVIR SEHGAL)
JUDGE

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