



**109 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

ARB-573-2024

Date of Decision: 19.11.2024

**AMRISH KUMAR THROUGH HIS AUTHORIZED
REPRESENTATIVE LEEVANSHIQA**

..... Applicant

Versus

STATE OF HARYANA AND ORS

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Pranav Goyal, Advocate for the applicant.

JAGMOHAN BANSAL, J. (Oral)

1. The applicant through instant application under Section 11(6) of the Arbitration and Conciliation Act, 1996 (for short "1996 Act") is seeking direction to Arbitrator to continue with the proceedings or appoint some other Arbitrator.

2. The applicant entered into an agreement with respondent. A dispute erupted between the parties. The applicant appointed Mr. B.R. Garg, (retired) Judicial Officer as a sole Arbitrator. The respondent appeared before the Arbitrator and sought time to file reply. The respondent did not file reply and Arbitrator passed order dated 24.02.2024 which is reproduced as below:

"Present: Representatives for parties (Adv. Himanshu Raj & Sandeep Kumar, Clerk HUDA)

Reply by the respondent not filed due to the short date. Instead of filing the reply, it has brought to my notice by the representative of the respondent to the fact that they have already sent an email dated 28-12-2023 to the fact that as per condition no 20 of the allotment "All the disputes shall be referred to the sole arbitrator as appointed by the Chief Administrator". Copy of the email has been given to the counsel for the claimant. As such case is adjourned to 23.03.2024 for consideration regarding



objection raised by the respondent and for filing reply to the same by the claimant.

3. Mr. Pranav Goyal, Advocate for the applicant submits that respondent wants to invoke Condition No.20 of allotment letter which permits it to make appointment of Chief Administrator or any other officer as sole Arbitrator. The respondent wants to make appointment as per his choice and is not joining proceedings which are pending before Arbitrator appointed by applicant. The case of applicant is squarely covered by Sections 13, 14 and 15 of 1996 Act.

4. Concededly, the applicant made appointment of a sole Arbitrator. The respondent joined proceedings, however, has not filed reply and is further insisting to make appointment of Arbitrator as per Condition No.20 of the allotment letter. The respondent has not approached this Court for setting aside of appointment of Arbitrator made by applicant. The applicant is seeking substitution of Arbitrator appointed by him.

5. This Court in exercise of power under Section 11(6) can neither direct substitution of already appointed Arbitrator nor can ask him to proceed further. It is upto the Arbitrator to decide the course of proceedings. The grievance of applicant may arise if respondent makes unilateral appointment.

6. Disposed of.

(JAGMOHAN BANSAL)
JUDGE

19.11.2024
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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No