

(2014) 01 SHI CK 0031
In the High Court Of Himachal Pradesh
Case No : Arbitration Case No. 4048 of 2013

Bhupesh Janartha

APPELLANT

Vs

State of Himachal Pradesh and Others

RESPONDENT

Date of Decision : 07-01-2014

Acts Referred:

Arbitration and Conciliation Act, 1996 — Section 11

Citation : (2014) 1 ShimLC 103

Hon'ble Judges : Rajiv Sharma, J

Bench : Single Bench

Advocate : Seema K. Guleria, for the Appellant; Meenakshi Sharma, Additional Advocate General, Mr. Neeraj K. Sharma, Ramesh Thakur, Assistant Advocate Generals for the Respondent No. 1 and Mr. Dhruv Shaunak, Advocate for the Respondents No. 2 and 3, for the Respondent

Final Decision : Disposed Off

Judgement

Rajiv Sharma, J.—This petition has been filed under sub-section (6) of Section 11 of the Arbitration and Conciliation Act, 1996 for appointment of arbitrator in terms of arbitration clause 19 of the Financial Bid. Petitioner issued legal notice to the respondents on 12.11.2013 for appointment of arbitrator. No arbitrator has been appointed. The dispute has arisen between the parties. Accordingly, I am satisfied that all the requirements of the Arbitration and Conciliation Act 1996 have been fulfilled by the petitioner and the Arbitrator is required to be appointed to resolve all the disputes which have arisen between the parties.

2. Accordingly, Mr. Ravinder Thakur, Advocate is appointed as Arbitrator and Mr. Praveen Chandel, Advocate will assist the Arbitrator. The Arbitrator is directed to enter into reference within a period of two weeks from the date of receipt of the copy of the order. Thereafter, the petitioner is directed to file claim petition within a period of three weeks. Reply be filed by the respondents within further period of three weeks. The pleadings, including, rejoinder and counter-claim, shall also be completed by the parties within a period of eight weeks after entering into

reference by the Arbitrator. It shall be open to the Arbitrator to determine his own procedure with the consent of the parties. It shall also be open to the Arbitrator to fix his fee alongwith the fee of assisting Arbitrator. The award shall be made strictly as per the provisions of the Arbitration and Conciliation Act, 1996 within six months. Needless to add that the Arbitrator shall pass a speaking order. The Registry of this Court is directed to immediately inform the Arbitrator and assisting Arbitrator about the passing of the order by sending a copy of this order to them. In view of this, the petition stands disposed of. Pending application, if any, also stands disposed of. No costs.