
(2011) 03 P&H CK 0681
In the Punjab And Haryana At Chandigarh
Case No : Arbitration Case No. 138 of 2010

Duli Chand

APPELLANT

Vs

State of Haryana and Another

RESPONDENT

Date of Decision : 25-03-2011

Acts Referred:

Arbitration and Conciliation Act, 1996 — Section 11(6), 11(8)

Citation : (2011) 03 P&H CK 0681

Hon'ble Judges : Hemant Gupta, J

Bench : Single Bench

Judgement

Hemant Gupta, J.—The Petitioner has invoked the jurisdiction of this Court u/s 11 (6) & (8) of the Arbitration and Conciliation Act, 1996 (for short "the Act") for appointment of an Arbitrator in respect of the disputes between the parties arising out an Agreement dated 14.01.2005. Vide the aforesaid Agreement, the Petitioner was allotted work of "Providing/Construction of One Nos 16 Passenger Lift for litigants and lawyers in the judicial complex, Section 12, Faridabad".

2. The Petitioner has completed the work allotted in the month of December 2007. The claim of the Petitioner for certain amount was denied. The Petitioner, thereafter, sought appointment of an Arbitrator in terms of Clause 25-A of the Agreement. Since the Arbitrator was not appointed, the Petitioner has invoked the jurisdiction of this Court.

3. In reply, the Respondents have inter alia stated that the Petitioner has not made any request to the competent authority i.e. Engineer-in-Chief, Haryana, Public Health Engineering Department, Panchkula for appointment of an Arbitrator and that the Petitioner has not deposited the security required in terms of Sub-clause 7 of Clause 25-A of the Agreement.

4. During the course of arguments, learned Counsel for the Respondents stated that on deposit of security amount by the Petitioner, the Respondents shall appoint an Arbitrator in terms of Clause 25-A of the Agreement.

5. Keeping in view the aforesaid fact, the present petition is disposed of with liberty to the Petitioner to deposit the amount of security in terms of the Agreement between the parties within a period of one month from today. On such deposit being made, the Respondents shall appoint an Arbitrator in terms of Clause 25-A of the Agreement within one month thereof.