
(2011) 03 P&H CK 0315
In the Punjab And Haryana At Chandigarh
Case No : Arbitration Case No. 44 of 2010

Moti Ram

APPELLANT

Vs

State of Haryana and Another

RESPONDENT

Date of Decision : 25-03-2011

Acts Referred:

Arbitration and Conciliation Act, 1996 — Section 11

Citation : (2011) 03 P&H CK 0315

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 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 10.04.2007. Vide the aforesaid Agreement, the Petitioner was allotted work of "Providing and Laying of 200 mm, 250 mm, 300 mm, 400 mm i/ d SW Pipe Sewer and 500 i/d RCC pipe Class NP3 sewer in reach of ABCDEFGHIJKMNO with its adjoining branches sewer construction of main hole chambers, providing and fixing MIT cover with frame providing and fixing of step and all other contingent thereto".

2. The Petitioner has completed the work allotted. 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.