

(2020) 10 SHI CK 0240
In the High Court Of Himachal Pradesh
Case No : Arbitration Case No. 48 Of 2020

M/s Disha Education Society

APPELLANT

Vs

H.P. State Rural Livelihood Mission (HPSRLM)

RESPONDENT

Date of Decision : 30-10-2020

Acts Referred:

Arbitration And Conciliation Act, 1996 — Section 9, 11(6), 23, 29A

Citation : (2020) 10 SHI CK 0240

Hon'ble Judges : L. Narayana Swamy, CJ

Bench : Single Bench

Advocate : Vaibhav Tanwar, Ashok Sharma, Ranjan Sharma, Adarsh Sharma, Ritta Goswami, Nand Lal Thakur

Final Decision : Disposed Of

Judgement

L. Narayana Swamy, CJ

1. In this petition filed under Section 11(6) of the Arbitration and Conciliation Act, 1996, the petitioner is seeking a direction for appointment of an Arbitrator.
2. Mr. Adarsh Sharma, learned Additional Advocate General, submits that the petitioner has also filed another Arbitration Case before this Court, which is pending consideration.
3. Mr. Vaibhav Tanwar, learned counsel for the petitioner, submits that another Arbitration Case No.8 of 2020 has been filed on behalf of the petitioner under Section 9 of the Arbitration and Conciliation Act, 1996, for seeking only interim relief. However, he submits that in case, in the present matter, the Arbitrator is appointed by this Court, he will withdraw the aforesaid Arbitration Case No.8 of 2020. His statement is taken on record.
4. In view of the above submissions, the present petition is allowed and Mr. Balbir Singh Chauhan, Senior Advocate, is appointed an Arbitrator in the present case. He is requested to enter into reference within a period of two weeks from

the date of receipt of a copy of this order. It shall be open for learned Arbitrator to determine his own procedure with the consent of the parties. Otherwise also, entire procedure with regard to fixing of time limit for filing pleadings or passing of Award stands prescribed under Sections 23 and 29A of the Act.

5. Needless to say that award shall be made strictly as per provisions contained in Arbitration and Conciliation Act. A copy of this order shall be made available to learned Arbitrator, named above, by the Registry of this Court within a period of one week from today, enabling him to take steps for commencement of the arbitration proceedings within the stipulated period.

6. The petition stands disposed of accordingly, so also pending miscellaneous application(s), if any.