
(2022) 09 UK CK 0035

In the Uttarakhand High Court

Case No : Arbitration Application No. 17 Of 2021

M/s Shivam Mines & Minerals

APPELLANT

Vs

Garhwal Mandal Vikas Nigam Limited

RESPONDENT

Date of Decision : 09-09-2022

Acts Referred:

Arbitration And Conciliation Act, 1996 — Section 11(6)

Citation : (2022) 09 UK CK 0035

Hon'ble Judges : Vipin Sanghi, CJ

Bench : Single Bench

Advocate : B.P. Nautiyal, Mohd. Matlub, Sandeep Kothari

Final Decision : Disposed Of

Judgement

Vipin Sanghi, CJ

1. The applicant has preferred the present Arbitration Application, under Section 11(6) of the Arbitration and Conciliation Act, 1996 (the Act), to seek appointment of a sole arbitrator for adjudicating the disputes, which have arisen between the parties in terms of Clause 92 of their agreement dated 30.12.2020.
2. Under the said agreement, the applicant was awarded mining rights by the respondent for a period of five years.
3. Disputes have arisen between the parties and, consequently, the applicant invoked the arbitration agreement vide notice dated 06.05.2021. However, the parties have not been able to mutually decide the sole arbitrator. Consequently, this Arbitration Application has been preferred.
4. Despite opportunity, no reply has been filed by the respondent.
5. Learned Senior Counsel for the applicant submits that this Court has already allowed a similar application in relation to a similar contract in Arbitration Application No. 08 of 2021 vide order dated 22.07.2022.

6. In the light of the aforesaid, I am inclined to allow this application. Accordingly, I appoint Mr. Justice Pradeep Nandrajog, Retd. Chief Justice, Bombay High Court, to act as the sole Arbitrator to adjudicate all the disputes, which have arisen between the parties under the aforesaid agreement.

7. The present Arbitration Application stands disposed of in the aforesaid terms.