
(2016) 02 SHI CK 0044
In the High Court Of Himachal Pradesh
Case No : Arbitration Case No. 81 of 2015

M/s V.S. Saini Govt. Contractor

APPELLANT

Vs

State of Himachal Pradesh and another

RESPONDENT

Date of Decision : 27-02-2016

Acts Referred:

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

Citation : (2016) 2 SimLC 975

Hon'ble Judges : Mr. Rajiv Sharma, J.

Bench : Single Bench

Advocate : Mr. Sumeet Raj Sharma, Advocate, for the Appellant; Mr. Parmod Thakur, Addl. A.G. with Mr. Neeraj Sharma and Mr. Pushpender Jaswal, Dy. A.Gs, for the Respondent

Final Decision : Disposed Off

Judgement

Rajiv Sharma, J. (Oral) - 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 clause 25 of the agreement. Petitioner also sent a communication to the Superintending Engineer, 9th Circle HPPWD, Nurpur on 2.2.2015 vide Annexure P-4 as per clause 24.1 of the Agreement to settle the dispute within 45 days. However, fact of the matter is that no decision was taken or conveyed by the Superintending Engineer within 45 days from the date of receipt of request of the petitioner and thereafter the petitioner was constrained to send a legal notice on 6.7.2015 in terms of clause 25 of the agreement for appointment of Arbitrator. No Arbitrator has been appointed as per clause 25 of the agreement. Certain disputes have arisen between the parties.

2. 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.

3. Accordingly, Mr. Lokender Thakur, Advocate is appointed as Arbitrator and Ms. Aruna Chauhan, Advocate and Ms. Suchitra Sain, Advocate are appointed as assisting Arbitrators. 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 a 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 along with the fee of assisting Arbitrators. 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 Mr. Lokender Thakur, Advocate, Ms. Aruna Chauhan, Advocate and Ms. Suchitra Sain, Advocate about the passing of the order by sending a copy of this order to them.

4. In view of this, the petition stands disposed of. Pending application, if any, also stands disposed of. No costs.