
(2012) 01 SHI CK 0016
In the High Court Of Himachal Pradesh
Case No : Arbitration Case No. 46 of 2011

Pisces Communication Pvt. Ltd.

APPELLANT

Vs

Bharat Sanchar Nigam Limited

RESPONDENT

Date of Decision : 02-01-2012

Acts Referred:

Arbitration and Conciliation Act, 1996 — Section 11

Citation : (2012) 01 SHI CK 0016

Hon'ble Judges : Kuldeep Singh, J

Bench : Single Bench

Judgement

Kuldeep Singh, J.—This is a petition u/s 11 of the Arbitration and Conciliation Act, 1996 (for short Act). It has been stated in the petition that the respondents placed the work order No. Mktg./23-43/Vol-II/9 dated 13.3.2007 to the petitioner for display of the advertisements on the back panel of 600 buses of HRTC for a period of four months from 16.3.2007 to 15.7.2007. The work order to the petitioner was for Rs. 15,75,850/-. The petitioner started the work assigned to the petitioner by the respondents and raised a bill of Rs. 15,75,850/- vide invoice No. 313 dated 16.7.2007. The petitioner requested the respondents to make the payment but without any result. The petitioner has even written letters dated 4.10.2007 and 20.11.2007 to the respondents. It has been stated that even after that some letters have been written and ultimately notice dated 30.3.2010 was issued by the petitioner claiming Rs. 15,75,850/-. It has been submitted that vide notice dated 17.7.2010 request was made for appointment of Arbitrator but till date no Arbitrator has been appointed.

2. The copy of work order-cum-agreement has been placed on record. The clause 9.4 of the said document provides that in the event of any question, dispute or difference arising under this agreement or in connection therewith, the same shall be referred to sole arbitrator of the CGMT (HP) BSNL, Shimla. In the reply filed by the respondents it has been stated that in view of vigilance inquiry the Arbitrator could not be appointed. In the facts and circumstances of the case,

there is a dispute between the parties regarding work order dated 13.3.2007. The petitioner has made out a case for appointment of Arbitrator. Accordingly, CGMT (HP) BSNL, Shimla is directed to appoint Arbitrator within a period of two weeks from the date of supply of certified copy of this judgment by the petitioner to the CGMT (HP) BSNL, Shimla. The Arbitrator shall decide the dispute between the parties in accordance with law. The petition is disposed of on above terms, so also the pending applications, if any.