
(2021) 08 SHI CK 0075
In the High Court Of Himachal Pradesh
Case No : Arbitration Case No.49 Of 2021

Shiv Ram

APPELLANT

Vs

State Of Himachal Pradesh And Others

RESPONDENT

Date of Decision : 06-08-2021

Acts Referred:

Arbitration And Conciliation Act, 1996 — Section 11(6), 11(8)

Citation : (2021) 08 SHI CK 0075

Hon'ble Judges : Ravi Malimath, J

Bench : Single Bench

Advocate : Kush Sharma, Rakesh Kumar Sharma, Ashok Sharma, Ranjan Sharma, Vikas Rathore

Final Decision : Disposed Of

Judgement

Ravi Malimath, J

1. The petitioner is before this Court, in this petition under Section 11(6) of the Arbitration and Conciliation Act, 1996 (for short "the Act"),

seeking for appointment of an Arbitrator to resolve the dispute that has arisen between the parties.

2. It is the case of the petitioner that there was an agreement, vide Annexure P-2, between the petitioner and the respondents and accordingly a

contract was entered into between the parties. Certain disputes have arisen thereon. Clause-25 of the agreement provides for appointment of an

Arbitrator.

3. Under Section 11(6) of the Act, the High Court, while considering any application under Section 11(6) thereof, must confine its examination only to

the existence of an Arbitration agreement. Since the existence of an arbitration agreement has not been disputed by the respondents, this application

must be ordered, and the dispute referred to arbitration.

4. Having considered the contentions of both sides, Shri R.L. Raghu, District & Sessions Judge (Retd.), Resident of Kamla Niwas, House No.152,

Dehri, Near Mahamaya Temple, Sundernagar, District Mandi, H.P., is appointed as an Arbitrator after his disclosure in writing is obtained in terms of

Section 11(8) of the Act; and only after receipt thereof shall his appointment, as an Arbitrator, come into force.

5. On his giving consent to arbitrate the dispute between the parties as an Arbitrator, Shri R.L. Raghu, District & Sessions Judge (Retd.), shall enter

into reference, and shall pass an award in accordance with law. The learned Arbitrator shall fix his fees in consultation with both the parties.

6. The arbitration petition is disposed off accordingly.