

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDI GARH

ARB-6-2015 (O&M)

Date of decision: - 08.07.2016

M/s Cyient Limited

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE S. J. VAZIFDAR, ACTING CHIEF JUSTICE

Present: - Mr. Rose Gupta, Advocate,
for the petitioner.

Mr. Ashok Singla, Advocate,
for respondents No. 2 and 3.

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S. J. VAZIFDAR, A. C. J. (ORAL)

This is a petition under Section 11(6) of the Arbitration and Conciliation Act, 1996 for the appointment of an arbitrator.

2. The parties had admittedly entered into an agreement which contains an arbitration clause. Disputes and differences having arisen between the parties, the petitioner invoked the arbitration clause, but did not nominate an arbitrator. Instead, the petitioner filed this petition directly. The respondents have nominated an arbitrator. In fact, the petitioner was invited to do so by the respondents' reply. The arbitration clause provides for the appointment of an umpire in accordance with the provisions of the 1940 Act. However, the provisions of the 1996 Act would be applicable.

3. The petition is, therefore, disposed of by the following order: -

(i) The petitioner shall be entitled to nominate an arbitrator and to inform the respondents of the same in writing latest by 31.07.2016.

(ii) The arbitrator to be nominated by the petitioner and the arbitrator already nominated by the respondents shall appoint the presiding arbitrator in accordance with law.

(iii) The arbitration shall proceed accordingly.

It is clarified that the parties are at liberty to apply to have this order modified by making the reference to a sole arbitrator, if they so desire.

(S. J. VAZIFDAR)
ACTING CHIEF JUSTICE

08.07.2016

Amodh