

Amit Kumar Vs. H.P. Housing and Urban Development Authority and Another

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Court : Himachal Pradesh

Decided On : Mar-25-2011

Judge : Surjit Singh, J.

Acts : The Arbitration and Conciliation Act 1996 - Section 11

Appeal No. : Arb. Case No.70 of 2010

Appellant : Amit Kumar

Respondent : H.P. Housing and Urban Development Authority and Another

Advocate for Def. : Mr. Neel Kamal Sood, Adv.

Advocate for Pet/Ap. : Mr. Sumeet Raj Sharma, Adv.

Judgement :

1. Heard and gone through the record.

2. Petitioner had been awarded some work by the respondents. On completion of the said work, bill was submitted by the petitioner to the respondents, for payment. The entire amount of the bill has not been paid. According to the petitioner, a sum of `1,00,000/- plus interest, is due.

3. Admittedly, the matter is covered by Arbitration Clause of Agreement Ex. P-1. As per Arbitration Clause No.25, dispute is required to be referred to the arbitration of a person, to be nominated by Secretary-cum-Chief Engineer, Himachal Pradesh Housing Board. Notice was issued to the said Secretary-cum-Chief Engineer, for appointment of Whether reporters of the local papers may be allowed to see the judgment? Arbitrator. Copy of that notice is Annexure P-3. Despite due service of notice, said Secretary-cum-Chief Engineer did not appoint any Arbitrator, within the time prescribed, under Section 11 of the Arbitration and Conciliation Act, 1996. In fact, no Arbitrator has been appointed till date.

4. Since the dispute raised by the petitioner is covered by Arbitration Clause No.25, contained in Agreement Ex. P-1, and the Secretary-cum-Chief Engineer has not appointed an Arbitrator, despite notice, the present petition is allowed and Shri Vir Bahadur Verma, Advocate, is appointed as Arbitrator, with his consent. His fee is fixed at `15,000/-, inclusive of ministerial expenses. The fee shall be paid by the petitioner, in the first instance, and the Arbitrator himself will adjudicate which party is ultimately liable to pay the fee. Petition stands disposed of.

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