

M/s Sham Gopal Vs. BBMB

10.05.2018:Present: Sh. Ruby Singh Rana counsel for petitioner.
Sh. Daljit Singh counsel for respondent no.1

By this order, a petition filed under Section 9 of the Arbitration and Conciliation Act,1996 of M/s Sham Gopal Sharma and Hari Narayan Gautam, a partnership firm, Kamlawati Cottage, Mehatpur road, Bhateli District Una (Himachal Pradesh) through its Partner Sh. H N Gautam, will be disposed off.

Record shows that the present petition arises from a agreement/contract dated 07.03.2014 where-under project was to be competed within 24 months, which time has already expired/elapsed. It is the version of the petitioner that while executing the project, said time has been slashed for 18 months.

It cannot be disputed that after the expiry of the time of project, the actual remedy before either of the party, is to approach the Arbitrator who has to adjudicate the respective rights of the parties, as per agreement entered between them. The questions as to if the period was slashed to 18 months wrongly or if the petitioner suffered any damage on that account or the version of the respondent that it was the petitioner who was at fault, are certain factors (to be ponded over and) adjudicated by Arbitrator. The record further reveals that none of the parties, has so far

made any sincere effort to approach/appoint their Arbitrator for settlement of dispute.

In view of the above facts and circumstances, brought before this court, the parties are directed to approach and avail services of Arbitrator, as per agreement/contract entered into between them who will make earnest efforts to decide their dispute, preferably within three months, from the date of first hearing. As mutually agreed before this court, the place of sitting of the Arbitrator will be at Nangal.

With the above direction, the present petition stands disposed of. File be consigned to the record room.

Pronounced :
10.05.2018

(Rakesh Gupta)
Addl. District Judge,
Rupnagar.