

HIGH COURT OF JUDICATURE FOR RAJASTHAN
JODHPUR

S.B. Misc. Application No. 19/2024

Mehar Chand Chaudhary

-----Petitioner

Versus

Chairman And Managing Director, Hpcl

-----Respondent

For Petitioner(s)	:	Mr. O.P. Mehta through VC Mr. V.D. Gaur
For Respondent(s)	:	Mr. Govind Suthar

HON'BLE MS. JUSTICE REKHA BORANA

Order

03/05/2024

1. A communication of the learned Arbitrator has been received by the office of this Court on 17.02.2024 wherein it has been stated that after being appointed the Arbitrator by the Court vide order dated 21.07.2023, he entered into the reference. On 19.08.2023, the parties were directed to deposit the interim fee in the bank account of the learned Arbitrator and the details of the said bank account were furnished. However, the respondent-HPCL offered a proforma to the learned Arbitrator personating him as a vendor of the Company to claim part payment of the remuneration. On being objected to, another proforma was delivered wherein the Arbitrator was shown to be an applicant to have requested for part remuneration.

In the above circumstances, the learned Arbitrator declined to fill up any such proforma wherein he was referred to be a vendor or an applicant.

2. The present communication has hence been made to this Court with a request to either direct the respondent-HPCL to make part payment in terms of the order dated 21.07.2023 of this Court or to permit the learned Arbitrator to withdraw himself from the arbitral proceedings.

3. Today, learned counsel appearing for the respondent-HPCL, on being directed by this Court, agreed that the respondent Corporation shall pay the due fee to the learned Arbitrator vide an account payee cheque without insisting on any proforma to be filled up.

4. In view of the submission made, it is hereby directed that the respondent-HPCL shall, on or before the next date as fixed in the arbitral proceedings, pay the part fee as demanded, vide an account payee cheque to the learned Arbitrator. If the same is not paid by/on the next date, the learned Arbitrator shall be under liberty to proceed in accordance with Section 38 of the Arbitration and Conciliation Act, 1996 and pass appropriate orders.

(REKHA BORANA),J