

Court No. - 46

Case :- ARBITRATION AND CONCILI. APPL.U/S11(4) No. - 27 of 2023

Applicant :- Mrs. Meenakshi Nehra Bhat And Another

Opposite Party :- M/S Wave Megacity Centre Private Ltd.

Counsel for Applicant :- Aditya Singh Parihar

Counsel for Opposite Party :- Sudeep Harkauli

Hon'ble Ashwani Kumar Mishra,J.

This petition has been filed under Section 11 of the Arbitration and Conciliation Act, 1996 for appointment of Arbitrator.

It is asserted that an agreement has been entered into between the applicant and the opposite party on 8.10.2014 containing Arbitration Clause 13, as per which all disputes between the parties are required to be referred to arbitrator.

According to the applicant the dispute having arisen between the parties, a request was made for appointment of arbitrator but the parties have failed to arrive at an agreement in terms of Section 11(2) of the Arbitration and Conciliation Act, 1996 for the dispute to be referred to arbitrator. Submission is that this Court, in such circumstances, can refer the dispute to arbitrator.

Various objections are raised by Sri Sudeep Harkauli appearing for the opposite party but there is no dispute on the proposition that there exists an arbitration clause between the parties and such arbitration clause has been invoked.

Law is otherwise settled that this Court is not required to enter into merits of the issues and such issues are required to be adjudicated at the hands of the arbitrator. Necessary ingredients to invoke jurisdiction of this Court under Section 11 of the Arbitration and Conciliation Act is shown to arise in the facts of the present case.

In view of the above, this petition for appointment of Arbitrator succeeds and is allowed.

Accordingly, Mr. Justice Bharat Bhushan (Former Judge), R/o G-1503, 15th Floor, Prateek Laurael, Sector 120, Gautam Budh Nagar, U.P., Mobile No.7388909988, is appointed as an Arbitrator to enter upon the reference and adjudicate the dispute in accordance with provisions of Arbitration and Conciliation

Act, 1996, subject to his consent in terms of section 11(8) of the Arbitration and Conciliation Act.

The Arbitrator shall be entitled to fees, in accordance with the provisions of fourth schedule inserted by Act No.3 of 2016. The expenses shall be borne equally by the parties.

Order Date :- 16.11.2023

Anil