

Court No. - 46

Case :- ARBITRATION AND CONCILI. APPL.U/S11(4) No. - 115 of 2023

Applicant :- M/S Krishna Gopal Vashistha

Opposite Party :- State Of U P And 3 Others

Counsel for Applicant :- Ramendra Pratap Singh,Alok Singh

Counsel for Opposite Party :- C.S.C.,Kaushalendra Nath Singh,Mahesh Narain Singh

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 with the request to appoint an arbitrator in respect of a dispute which has arisen between the parties.

Perusal of records would reveal that a contract for parking was settled in favour of the applicant by the opposite party which contained an arbitration clause. It is further not in dispute that subsequent in point of time, a dispute has arisen between the parties and claim has been raised for appointment of arbitrator. Since no arbitrator has been appointed, the applicant has approached this Court.

Sri M.N. Singh has entered appearance on behalf of Noida Authority and filed his objection.

Though various submissions are made with regard to claim of applicant on merits but there is no dispute raised with regard to existence of arbitration clause between the parties nor there is any issue raised on the aspect relating to demand for appointment of arbitrator by the applicant. Whether or not the opposite party is entitled to certain dues from the applicant is an issue to be examined by the arbitrator and not by this Court,, while considering the prayer made for appointment of arbitrator. In the facts of the case, essential conditions warranting appointment of arbitrator in terms of Section 11 of the Act is shown to exist.

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

Accordingly, Mr. Justice Pankaj Kumar Jaiswal (Former Judge),

R/o C-56, Defence Colony, New Delhi, Mobile No.9425155450, 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-A 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 :- 2.11.2023

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