

Court No. - 46

Case :- ARBITRATION AND CONCILI. APPL.U/S11(4) No. - 195 of 2022

Applicant :- M/S Geetanjali Hp Filling Station

Opposite Party :- Hindustan Petroleum Corporation Ltd.

Counsel for Applicant :- Avadhesh Kumar Upadhyay, Arvind Srivastava Iii, Bhanu Pratap Pal

Counsel for Opposite Party :- Komal Mehrotra

Hon'ble Ashwani Kumar Mishra, J.

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

Supplementary affidavit filed on 26.2.2023 clearly shows existence of arbitration clause for resolution of dispute between the parties. Counsel for the opposite party does not dispute existence of arbitration clause.

It is otherwise not in issue that a dispute has arisen between the parties in respect of which a claim has been made for reference of dispute to arbitrator. In that view of the matter, this Court finds that necessary conditions for invoking jurisdiction of this Court under Section 11 of the Act is shown to arise.

In such circumstances, this application for appointment of Arbitrator succeeds and is allowed.

Accordingly, Mr. Justice A.K. Agarwal (Retd. District Judge), R/o C-15 Ansal Sushant City, Delhi Dehradun Bypass Road, Meerut, U.P., Mobile No. 9793093054, 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 :- 3.11.2023

Ranjeet Sahu