

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Arbitration Case No.179 of 2017 (O&M)
DATE OF DECISION: 27.10.2017

Mr. Paul Lu and another

....Petitioners

versus

KST Infrastructure Pvt. Ltd.

.....Respondent

CORAM:- HON'BLE MR.JUSTICE S.J. VAZIFDAR, CHIEF JUSTICE

Present: Mr. Bhaskar Sharma, Advocate for the petitioners

..

S.J. VAZIFDAR, CHIEF JUSTICE (Oral) :

This is an application under sections 11(6) and 11(8) of the Arbitration and Conciliation Act, 1996, for appointment of a sole Arbitrator.

2. The petitioners ought to have filed separate petitions as the claims arise under four separate agreements. Each of the agreements is for the purchase of premises. The petitioners claim that the respondents have committed breaches under the agreement as it had neither delivered the possession nor refunded the amounts paid. Each of the agreements contains an arbitration agreement. The petitioners invoked the arbitration clauses in respect of each of the agreements on 08.04.2017. There was no response to the letter at least till the filing of this petition. The respondent has, therefore, forfeited its right to nominate an Arbitrator.

3. The petition is disposed of by appointing Mr. Gopal Jain, Senior Counsel of the Supreme Court of India, # C-23, Gulmohar Park, New Delhi-49, as the Arbitrator in respect of each of the agreements. It is clarified that each of the agreements will be a separate reference and separate awards shall be made.

Considering the facts and the nature of the matter and the amounts involved, the parties can always make an application to the Arbitrator regarding the quantum of his fees.

27.10.2017
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(S.J. VAZIFDAR)
CHIEF JUSTICE

NOTE:

Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO