

HIGH COURT OF CHHATTISGARH, BILASPUR**Arbitration Application No.59 of 2017**

Raja Gupta, S/o Late Shri Diwarika Gupta, aged 40 years, R/o Village-Parchanpal, Tahsil and District-Bastar (CG)

---- Petitioner

Versus

Prem Shankar Shukla, S/o Late Shri Gajadhar Shukla, aged about 58 years, R/o Maa Ganga Devi Ward, Baster, District-Baster (CG) presently R/o Chitrakut Road, Dharmapura Sai Mandir, Behind Petrol Pump, Dharmapura, Jagdalpur, District-Baster (CG)

---- Respondent

For Applicant	:	Mr.Malay Shrivastava, Advocate
For Respondent	:	Mr.Rahul Jha, Advocate

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

06/07/2018

1. This is an application under Section 11(6) of the Arbitration and Conciliation Act, 1996 (hereinafter called as 'Act of 1996') for appointment of arbitrator.
2. Learned counsel for the applicant would submit that there is an agreement between the parties and agreement contains an arbitration clause and arbitral dispute has arisen between the parties, therefore, the arbitrator be appointed in view of the provisions contained in Section 11(6) of the Act of 1996 to resolve the dispute arisen between the parties as the applicant has already served a notice to the respondent for appointment of arbitrator.
3. On the other hand, learned counsel for the respondent would submit that dispute can be settled amicably.

- 4.** I have heard learned counsel for the parties, considered their rival submissions made hereinabove and also gone through the record with utmost circumspection.
- 5.** Since clause 16 of the deed of partnership dated 25th April, 2017 contains an arbitration clause and arbitral dispute is said to have arisen between the parties, therefore, in exercise of my power under Section 11(6) of the Act of 1996, I hereby appoint Hon'ble Mr.Justice V.K.Shrivastava, Former Judge, High Court of Chhattisgarh, resident of Ware House Road, Bilaspur, District Bilaspur, Chhattisgarh as the sole arbitrator to adjudicate the dispute arisen between the parties, in accordance with the provisions of the Act of 1996. The respondent contention is kept open.
- 6.** Registry is directed to communicate this order to learned sole arbitrator- Hon'ble Mr.Justice V.K.Shrivastava, Former Judge, High Court of Chhattisgarh forthwith to enable him to enter upon the reference and decide the matter as expeditiously as possible.
- 7.** The arbitration application is allowed to the extent indicated hereinabove.

Sd/-

(Sanjay K. Agrawal)

Judge

B/-