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IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CR-8337-2014 (O&M)

Date of decision : 15.02.2018

Sun Educational Trust

... Petitioner(s)

Versus

Urban Improvement Company Private Ltd. and another

... Respondent(s)

**CORAM: HON'BLE MR. JUSTICE AMIT RAWAL**

Present: Mr. Biswajeet, Advocate  
for the petitioner.

Mr. Vaneet Soni, Advocate  
for respondent No.1.

Mr. B.R. Mahajan, Senior Advocate with  
Mr. S.K. Mahajan, Advocate  
for respondent No.2.

Mr. Rajbir Singh, AAG, Haryana  
for respondent No.3.

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**AMIT RAWAL, J. (ORAL)**

The present revision petition is directed against the impugned order dated 17.07.2014, whereby an application moved by respondent No.1/defendant under Section 8 of the Arbitration and Conciliation Act in a suit for specific performance of the Lease Contract/Agreement dated 13.06.2003 with consequential relief of mandatory injunction and permanent injunction, has been allowed.

After hearing the arguments to some length, when this Court was not agreeable to the submissions of Mr. Biswajeet, Advocate

representing the petitioner, with regard to the splitting of the reliefs in view of the *ratio decidendi* culled out by the Hon'ble Supreme Court rendered in **“Sukanya Holdings (P) Ltd. V/s Jayesh H. Pandya and another” (2003) 5 Supreme Court Cases 531.**

Learned counsel for the petitioner on instruction from his client submits that he is not averse for referring the matter to an independent Arbitrator, than to the Chairman of respondent No.1.

Mr. Vaneet Soni, learned counsel appearing on behalf of respondent No.1 has no objection with regard to the appointment of an independent Arbitrator.

Since it would save the time and cost of the parties, if they are relegated to move an application under Section 11(6) of the Arbitration and Conciliation Act, for appointment of independent Arbitrator, with the consent of the parties, I deem it appropriate to appoint Mr. Kailash Gambhir, Former Judge of Delhi High Court, as an Arbitrator for settling the dispute amongst the parties with regard to lease contract/agreement dated 13.06.2003, which has been cancelled by respondent No.1, vide order dated 21.06.2006, as per the prevailing procedure and rules framed in the Arbitration and Conciliation Act, 2015. The Registry is directed to send intimation to Mr. Kailash Gambhir, Former Judge of Delhi High Court, regarding his appointment and seek his consent. On receiving consent, he shall enter into the reference by calling the parties to file their respective claims.

It is expected that the Hon'ble Arbitrator shall decide the arbitration proceedings as expeditiously as possible.

With the aforementioned observations, the petition stands disposed of.

15.02.2018  
Yogesh Sharma

( AMIT RAWAL)  
JUDGE

|                           |         |
|---------------------------|---------|
|                           | ✓       |
| Whether speaking/reasoned | Yes/ No |
|                           | ✓       |
| Whether Reportable        | Yes/ No |