

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Sr. No.239

ARB-80-2019 (O&M)

Date of decision: 12.03.2020

Harinder Paul Singh and others

....Applicants

versus

Jaspal Singh

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Ms. Seema Pasricha, Advocate
for the applicants.

Mr. Gagandeep Goel, Advocate
for the respondent.

* * *

DEEPAK SIBAL, J. (Oral)

Reply to the application filed on behalf of the respondent in Court today is ordered to be taken on record. Copy of the same has been handed over to the counsel opposite.

Learned counsel for the parties have been heard.

The present application has been filed under Section 11 of the Arbitration and Conciliation Act, 1996 (for short – the Act) for appointment of an Arbitrator.

On 24.02.2004 the parties entered into a Memorandum of Understanding (for short – MOU) which contained clause 25 as per which all disagreements in connection with the MOU were to be settled through the mode of Arbitration.

Disputes arose between the parties resulting in the issuance of a notice dated 04.07.2014 by the applicants to the respondent through which

the respondent was required to resolve the disputes but when they remained unresolved a legal notice dated 03.12.2018 was issued by the applicants to the respondent through which he called upon to pay to the applicants the amounts so demanded therein. In reply to the legal notice dated 03.12.2018, the respondent denied all claims made by the applicants. Thereafter, through another legal notice dated 17.01.2019, sent by the applicants to the respondent, they invoked the arbitration clause. When within 30 days of the receipt of such notice the respondent did not appoint/consent to appointment of an Arbitrator, the present application was filed for the aforesaid relief.

In the background of the above facts, to adjudicate upon the disputes between the parties, Mr. Subhash Goyal, District & Sessions Judge (Retd.) is appointed as the sole Arbitrator. However, such appointment would be subject to the declaration to be made by Mr. Subhash Goyal under Section 12 of the Act with regard to his independence and impartiality to settle the disputes between the parties.

The Arbitrator is requested to complete the proceedings within the time limit specified under Section 29A of the Act.

The Arbitrator shall be paid fee in accordance with the Fourth Schedule of the Act, as amended or as may be mutually settled by the parties and the Arbitrator.

As per agreement expressed by learned counsel for the parties, for the sake of the convenience of their respective clients, the venue of the Arbitration shall be at Gurgaon.

A copy of the order be forwarded to Mr. Subhash Goyal, District & Sessions Judge (Retd.) at the given address:

H.No.4254-A,
Near ITM College,
Sector 23-A,
Gurgaon.
(Mob. No.88138-88900)

After seeking the convenience of the Arbitrator, the parties are directed to appear before him on 26.03.2020 or on any other date suitable to all concerned.

The matter is disposed of in the above terms.

March 12, 2020
Jyoti 1

(DEEPAK SIBAL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No