

216 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

ARB No.119 of 2019 (O&M)
Date of Decision:03.03.2020

M/S REMIRA MOTORS PVT. LTD AND ANOTHER ...Applicants

Versus

M/S A.G. BUILDERS

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Vikas Bahl, Sr. Advocate with
Mr. Amandeep Singh, Advocate and
Ms. Aarzoo B. Grewal, Advocate
for the applicants.

Mr. Aashish Gupta, Advocate
for the respondent.

DEEPAK SIBAL, J. (ORAL)

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 19.01.2017, the parties entered into an agreement as per which the respondent was to construct a showroom for the applicants. As per clause 13 of the agreement disputes between the parties were to be settled through arbitration by Dr. Sham Sunder Garg.

Disputes having arisen between the parties, the applicant through notice dated 26.03.2019, invoked the arbitration clause and required the respondent to give consent to the appointment of Dr. Sham Sunder Garg as the Arbitrator. In response to the aforesaid notice the

respondent denied the applicants' claims and refused to give consent to the appointment of Dr. Sham Sunder Garg as the Arbitrator as according to the respondent Dr. Sham Sunder Garg had shown his disinclination to arbitrate. Instead, the respondents proposed the name of Mr. Satinder Kumar, Advocate as the Arbitrator to whose name the applicants were not agreeable to. In this background the present application has been filed for the aforesaid relief.

Learned counsel for the parties submit that they have express instructions from their respective clients that this Court may appoint any retired District and Sessions Judge at Moga as the sole Arbitrator to adjudicate upon the disputes between the parties.

In view of the above, Mr. Lakhbir Singh, District and Sessions Judge (Retd.) is appointed as the sole Arbitrator. However, such appointment would be subject to the declaration to be made by Mr. Lakhbir Singh, District and Sessions Judge (Retd.) 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 for the Arbitration shall be at Moga.

A copy of the this order be forwarded to Mr. Lakhbir Singh,
District and Sessions Judge (Retd.) at the given address:

Sh. Lakhbir Singh, C/o Dharam Kot Gas Service,
Moga Road, Dharamkot, District Moga
Mob.9815835399

After seeking the convenience of the Arbitrator, the parties are
directed to appear before him on 20.03.2020 or on any other date suitable to
all concerned.

The matter is disposed of in the above terms.

(DEEPAK SIBAL)
JUDGE

March 03, 2020

Jyoti-1 Whether speaking/reasoned Yes/No Whether Reportable Yes/No