

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

ARB-153-2020(O&M)
Date of Decision:-13.10.2020

Provision Infratech Pvt. Ltd.

... Petitioner

Versus

One Mobikwik Systems Pvt. Ltd. And others

... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Karan Bhardwaj, Advocate for
Mr. Sandeep K. Sharma Advocate for the petitioner.

Mr. Sumit Roy, Advocate with
Mr. Varun Pandey, Advocate for the respondents.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.(Oral)

The learned counsel for the respondents has requested for deletion of respondents No. 2 and 3 from the array of parties.

In view of the aforesaid request, respondents No. 2 and 3 are ordered to be deleted from Memo of Parties.

The present petition has been filed under Section 11 of the Arbitration and Conciliation Act, 1996 (for short – the Act) for appointment of an Arbitrator in a dispute relating to payment of arrears of rent as per registered lease deed/Agreement (Annexure P-4).

The respondent is stated to be in arrears of rent due to be paid to the petitioner. Admittedly, as per Clause 26 of the terms and conditions of

the lease deed/Agreement, such disputes between the parties were to be settled through Arbitration.

On dispute having arisen between the parties, the petitioner sent a legal notice dated 1.6.2020 (Annexure P-7) to the respondent seeking outstanding arrears of rent. In the alternative appointment of an Arbitrator was sought. In response to the aforesaid legal notice, the respondent neither paid the amount nor appointed the Arbitrator, occasioning the filing of the present petition.

After hearing learned counsel for the parties and with their consent, Sh. Raj Kumar, District and Sessions Judge (Retd.), is appointed as the sole Arbitrator for adjudicating the disputes between them. However, such appointment would be subject to the declaration to be made by Sh. Raj Kumar 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 as also of the Arbitrator, the venue of the Arbitration shall be at Gurugram or at any other place convenient to all concerned.

A copy of the this order be forwarded to Sh. Raj Kumar, District and Sessions Judge (Retd.) at the given address:

H.No.S-18/1A, DLF, Phase-3,
Gurgaon 122002.
Mobile No.09996746664/07290917383.

After seeking the convenience of the Arbitrator, the parties are directed to appear before him on **2.11.2020 at 11 A.M.** or any other date suitable to all concerned.

The matter is disposed of in the above terms.

13.10.2020

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(Gurvinder Singh Gill)
Judge

Whether reasoned/speaking

Yes / No

Whether reportable

Yes / No