

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

Sr. No.212

ARB-296-2019 (O&M)

Date of decision: 05.02.2020

Appletree International Private Limited

....Applicant

versus

Casa2 Stays Private Limited

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Shivek Trehan, Advocate
for the applicant.

Mr. Vishal Khatri, Advocate for
Mr. Vipul Jindal, Advocate
for the respondent.

* * *

DEEPAK SIBAL, J. (Oral)

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.

Through an agreement dated 01.09.2017, the applicant engaged the respondent to provide to it certain services as detailed in the agreement. Admittedly, as per clause 13 of the agreement disputes between the parties were to be settled through the mode of Arbitration.

Disputes having arisen between the parties, the applicant through legal notice dated 24.01.2019 called upon the respondent to make the payment of certain dues. Having not received any response to the said

notice, through another legal notice dated 28.03.2019, the applicant invoked the arbitration clause and after proposing the name of Mr. Satvik Varma, Advocate as the Arbitrator called upon the respondent to give consent to his name. The respondent did not respond to this notice as well. The applicant through legal notice dated 31.05.2019 terminated the aforesaid agreement dated 01.09.2017.

Learned counsel for the applicant submits that as per clause 13 of the agreement between the parties, through legal notice dated 28.03.2019, the applicant invoked the arbitration clause to which no response was received from the respondent and therefore, the applicant had rightly knocked the doors of this Court through the present application for appointment of an independent and impartial Arbitrator.

Learned counsel for the respondent denies all claims made by the applicant in the present application.

After hearing learned counsel for the parties and leaving the parties to raise their claims/counter claims/defences that they may have in law before the Arbitrator, Justice Swatanter Kumar, a former Judge of the Supreme Court of India, is appointed as the sole Arbitrator. However, such appointment would be subject to the declaration to be made by Justice Swatanter 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 New Delhi or at any other place convenient to all concerned.

A copy of the this order be forwarded to Justice Swatanter Kumar at the given address:

“C-3/5, First Floor,
Safdarjung Development
Area, South Delhi-
110016
9560413636.”

After seeking the convenience of the Arbitrator, the parties are directed to appear before him on 17.02.2020 at 11 A.M. or on any other date suitable to all concerned.

The matter is disposed of in the above terms.

February 05, 2020
Jyoti 1

(DEEPAK SIBAL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No