

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

ARB-343-2021

Date of Decision: 17.11.2021

LIXIL WINDOW SYSTEMS PVT. LTD.

..... Petitioner(s)

Versus

M/S. IREO PRIVATE LTD.

..... Respondent(s)

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Anuj Dewan, Advocate
for the petitioner.

Mr. Shekhar Verma, Advocate
for the respondent.

LISA GILL, J.

Prayer in this petition under Section 11(5) of the Arbitration and Conciliation Act, 1996 (for short – ‘the Act’) is for appointment of sole independent Arbitrator for resolution of disputes and differences arising out of Agreement dated 09.08.2016, Annexure P-4, executed between the parties.

Dispute arose between the parties and notice dated 24.10.2020 (Annexure P-8) was served upon the respondent by the petitioner. Claim was repudiated by the respondent. Clause 1.16 of the agreement which provides for resolution of the dispute through arbitration reads as under:-

“All disputes or differences arising under/out of or in connection with this order shall be referred to Sole arbitrator appointed by the Owner as per Indian Arbitration and Conciliation Act 1996 and rules in force. The Contractor and the OWNER shall in all instances try to reach an amicable resolution of any dispute prior to commencing any arbitration procedures.”

Existence of an arbitrable dispute between the parties is not denied, neither is the existence of the arbitration clause denied.

Keeping in view the facts and circumstances as above, this petition is allowed and Mr. Justice (Retd.) Permod Kohli, former Judge, Punjab and Haryana High Court, resident of S-451, 1st floor, Greater Kailash-2, New Delhi - 110048, Mobile No.8826131111, is appointed as the Sole Arbitrator to resolve the dispute/differences between the parties. Appointment is subject to declaration to be made by the Arbitrator under Section 12 of the Act with regard to his independence and impartiality to settle the disputes between the parties. The Arbitrator to complete the proceedings within the time limit specified under Section 29-A of the Act. The Arbitrator shall be paid fee in accordance with the Fourth Schedule of the Act, as amended from time to time to be borne equally by the parties.

A copy of this order be dispatched to Mr. Justice (Retd.) Permod Kohli, former Judge, Punjab and Haryana High Court, at the following address:-

S-451, 1st floor, Greater Kailash-2, New Delhi - 110048,
Mobile No.8826131111.

(Lisa Gill)
Judge

17.11.2021

Sunil

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No