

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

ARB No. 326 of 2021.
Date of Decision:07.12.2021

Mohinder Pal Satija and another

.....Petitioners

Versus

Gurinder Singh Gill and another

..... Respondents

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Rohan Mittal, Advocate
for the petitioners.

Ms. Niharika Goyal, Advocate
for respondents no.1 and 2.

LISA GILL, J(Oral).

This matter is being taken up for hearing through video conferencing due to outbreak of the pandemic, COVID-19.

Prayer in this petition under Section 11 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 between the parties out of Agreement/Memorandum of Understanding (for short ‘MOU’) dated 10.09.2014, Annexure P-1.

Pursuant to drawing up of MOU dated 10.09.2014, dispute arose between the parties. Civil suit filed by the petitioners was withdrawn on 17.12.2020 with liberty to avail appropriate remedy before the Arbitrator in view of the specific clause regarding arbitration in MOU dated 10.09.2014. Accordingly petitioners submitted statement of claim before the Arbitrator so named in the MOU. Arbitrator on 08.03.2020 returned the claim petition, while expressing his inability to act as the Arbitrator on

health grounds, while stating that some other person may be appointed as an Arbitrator as per law.

Legal notice dated 30.08.2019, Annexure P-7, was sent by the petitioners to the respondents through e-mail and speed post.

Reply to this petition has been filed by the respondents raising various objections. However, during the course of arguments, learned counsel for the petitioners is unable to deny the existence of the MOU dated 10.09.2014 with the arbitration clause or existence of an arbitral dispute.

Keeping in view the facts and circumstances as above, this petition is allowed and Sh. Ashok Kumar Singla, District & Sessions Judge (Retd.), resident of House No. 486, Punjab IAS, PCS Colony, Mullanpur, New Chandigarh, 140901, Mobile No. 9417376110, 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 is 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, to be borne equally by the parties.

A copy of this order be dispatched to Sh. Ashok Kumar Singla, District & Sessions Judge (Retd.), at the following address:-

House No. 486, Punjab IAS, PCS Colony, Mullanpur, New Chandigarh, 140901, Mobile No. 9417376110.

07.12.2021
s.khan

[LISA GILL]
Judge

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