

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

CM-12510-CII-2021 in/and
ARB-404-2021 (O&M)
Date of Decision: 12.11.2021

Maa Chintpurni Educational Society (Regd.)

..... Petitioner(s)

Versus

M/s. HIMT Infotech through its partners and others

..... Respondent(s)

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Ms. Parmeet Kaur, Advocate for
Ms. Jyoti Sareen, Advocate
for the petitioner.

Mr. Mandeep Singh Sachdev, Advocate
for the respondents.

LISA GILL, J.

CM-12510-CII-2021

For the reasons mentioned in the application, duly supported by an affidavit of the applicant, same is allowed as prayed for. Reply annexed alongwith the application, is taken on record, subject to just exceptions.

Application is disposed of.

ARB-404-2021

Prayer in this petition under Section 11(4) of the Arbitration and Conciliation Act, 1996 (for short – ‘the Act’) is for appointment of sole independent Arbitrator for resolution of disputes and differences between the parties, arising out of Agreement/Memorandum of Understanding (MOU) dated 20.10.2016, (Annexure P-1).

Clause 4 of the agreement/MOU provides for resolution of the dispute through arbitration by the two arbitrators named therein, who would further appoint a co-arbitrator. It is averred that both the named arbitrators refused to act as such. Legal notice dated 10.02.2020 was issued by the present petitioner.

Learned counsel for the parties inform that now it is agreed between the parties that Mr. Justice R.P. Nagrath (retired), resident of House No.162, Sector 123, New Sunny Enclave, Kharar, District Mohali, Mobile No.8558809901, be appointed as sole Arbitrator.

Keeping in view the consensus arrived at between parties, Mr. Justice (retired) R.P. Nagrath, former Judge, Punjab and Haryana High Court, resident of House No.162, Sector 123, New Sunny Enclave, Kharar, District Mohali, Mobile No.8558809901, is appointed as the Sole Arbitrator. 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 and he shall be paid fee in accordance with the Fourth Schedule of the Act, as amended from time to time.

Parties to appear before the Sole Arbitrator on such date and time as nominated by him. Intimation of this order be conveyed to Mr. Justice (Retd.) R.P. Nagrath, former Judge, Punjab and Haryana High Court, at the following address:-

House No.162, Sector 123, New Sunny Enclave, Kharar,
District Mohali, Mobile No.8558809901

12.11.2021

Sunil

Whether speaking/reasoned:

Whether reportable:

Yes/No

Yes/No

(Lisa Gill)
Judge