

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

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**ARB-186-2020 (O&M)
Decided on : 25.02.2021**

High Vision Schools Pvt. Ltd.	Versus	... Petitioner
Enlearn Education Pvt. Ltd.		... Respondent

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present: Mr.Tushar Sharma, Advocate, for the petitioner.

Mr.Aashish Chopra, Advocate, for the respondent.

(The proceedings are being conducted through video conferencing,
as per instructions.)

G.S. Sandhawal, J. (Oral)

Petitioner seeks appointment of an independent and impartial person as the sole Arbitrator under Section 11(5) and other provisions of the Arbitration & Conciliation Act, 1996.

Reference has been made to the lease deed dated 17.12.2018 between the parties and Clause 21.1 which provides dispute resolution by way of an arbitral Tribunal. The said clause reads as under:

“21. DISPUTE RESOLUTION:

21.1 The Parties shall attempt to amicably resolve any and all disputes of every kind, arising out of or related to this Lease Deed, through negotiation. In the event the dispute is not resolved internally between the Parties after at least 30 (thirty) days of negotiation, in good faith, by the Parties, such disputes shall be referred to arbitration through a sole arbitrator appointed by mutual consent of the Parties to dispute in accordance with the provisions of the Arbitration and Conciliation Act, 1996 or any enactment of statutory modification thereof. The arbitration proceedings shall be in the English language and shall be held in Gurgaon. The award passed by such arbitral tribunal shall be final and binding on the Parties.”

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Mr.Chopra submits that he has no objection if an independent Arbitrator is being appointed.

A perusal of the said clause would also go on to show that the proceedings have to be held in Gurugram. Accordingly, keeping in view the above facts, this Court is of the opinion that Shri Ramendra Jain, Retired Judge of this Court, who is settled in Gurugram would be in a best position to enter into arbitration.

Accordingly, the present petition is disposed of, appointing Shri Ramendra Jain, Retired Judge of this Court as Arbitrator in the present case, in terms of the above-said clause. Office shall inform the Arbitrator, accordingly.

FEBRUARY 25, 2021

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**(G.S. SANDHAWALIA)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No