

ARB No. 357 of 2021

M/s. Balaji Enterprises vs. National Institute of Technology and others

Present:- Mr. Vivek Khatri, Advocate,
for the applicant.

Mr. A.S. Virk, Advocate,
for the respondents.

(Proceedings are being conducted through video conferencing
as per instructions).

The petitioner seeks appointment of an independent person as a sole Arbitrator to adjudicate the dispute between the petitioner and respondents under Section 11(6) of the Arbitration and Conciliation Act, 1996 (in short 'the Act').

Counsel for the petitioner has pointed out that as per Clause 25 (A) of the agreement as such (Annexure P-2), there is a clause regarding appointment of sole Arbitrator. The Chairman, Board of Governors was the Authority as such to whom the request had to be made. It is further submitted that vide communication dated 28.09.2020 (Annexure P-7), notice had been served upon respondent no. 2 representing respondent no. 1-Institute for appointment of the Arbitrator to settle the dispute as per Clause 25(A).

For the reasons given above, Sh. Vimal Bakshi, District & Sessions Judge (Retd.), BDPO Residence, Near Kali Mata Mandir, Naraingarh, Ambala, (M.No. 9991922244) is appointed as an Arbitrator and he shall file the requisite declaration under Section 12 of the Act read with the fifth and sixth schedule in order to disclose his independence and

impartiality to settle the dispute between the parties. The Arbitrator is also requested to complete the proceedings within the time specified under Section 29A of the Act. The fees of the Arbitrator shall be paid in accordance with the provisions of the Act and the Rules.

Copy of the order be forwarded to Sh. Vimal Bakshi, District & Sessions Judge (Retd.) at the given address and to counsel for the parties also. After seeking the consent of the Arbitrator, the parties are directed to appear before the Arbitrator on 4th October at 10.00 a.m.

14.09.2021
shivani

(G.S. SANDHAWALIA)
JUDGE