

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

ARB-1-2021

Date of Decision: 13.12.2021

M/s. Embrace Gas Services Pvt. Ltd.

..... Petitioner(s)

Versus

Skyon Condominium Owners Welfare Association (SCOWA)

..... Respondent(s)

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Abhilaksh Grover, Advocate
for the petitioner.

Mr. S.S. Mor, Advocate
for the respondent.

LISA GILL, J.

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 out of Agreement dated 01.01.2019, Annexure P-1, executed between the parties.

Dispute arose between the parties and notice dated 24.08.2020 (Annexure P-4) was served upon the respondent by the petitioner. Claim was repudiated by the respondent. Clause XI of the agreement which provides for resolution of the dispute through arbitration reads as under:-

“Any dispute arising out of or touching upon or in relation to the terms of this Agreement including the interpretation and validity of the terms and conditions thereof and the respective rights and obligations of the Parties shall be settled amicably by mutual discussion. In case the Parties are unable to settle their disputes within 15 (fifteen) days. The same shall be settled through arbitration

as per the Arbitration and Conciliation Act, 1996, or an statutory amendments/modifications thereof for the time being in force by a sole arbitrator, who shall be appointed by the Client. Cost of arbitration shall be shared equally by the Parties. The arbitration shall be held in English language at an appropriate location in Gurugram, Haryana. ”

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. R.S. Baswana, District and Sessions Judge (Retd.), resident of House No. 437, Sector 21-C, Faridabad, Mobile No.94665-94777, 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. R.S. Baswana, District and Sessions Judge (Retd.), at the following address:-

House No.437, Sector 21-C, Faridabad, Mobile No.94665-94777.

13.12.2021

Sunil

**(Lisa Gill)
Judge**

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No