

221

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

**ARB No.87 of 2018 (O&M)
Date of Decision: 28.10.2022**

M/S MITTAL AND ASSOCIATES

.....Petitioner

Vs

HDFC BANK LTD. AND ANOTHER

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Vivek Khatri, Advocate
for the petitioner.

Mr. Shailender Kashyap, Advocate
for the respondents.

RAJ MOHAN SINGH, J.(Oral)

[1]. Petitioner has preferred the present petition under Section 11(6) of the Arbitration and Conciliation Act, 1996 (hereinafter to be referred as 'the Act') for appointment of an independent Arbitrator to adjudicate the dispute between the parties arising out of contract agreement dated 07.01.2013.

[2]. An agreement was entered into between the parties on 07.01.2013 for availing proper valuation services of the petitioner. Under the said agreement, the petitioner was to provide valuation report of the properties which the respondent-

Bank may ultimately desire. The said valuation was to be done on the basis of condition and market value of the property.

[3]. As per pleadings, the petitioner has prepared numerous valuation reports and provided them to the Bank as per terms and conditions of the agreement. Petitioner also kept on submitting its fee bills for valuation reports to the respondents from time to time. A substantial amount of Rs.4,71,978/- already stood calculated towards fee bills of the petitioner which have not been paid by the respondent-Bank.

[4]. The dispute arose between the parties for which the petitioner has already invoked the arbitration clause by sending legal notice to the respondents on 01.01.2018. This petition was filed on 04.04.2018. As per office report dated 30.11.2019 respondents were duly served. Till date no reply has been filed. In view of directions issued by the Hon'ble Apex Court in SLP (Civil) No.5306 of 2022 the present category of cases which is pending for more than one year from the date of filing has to be decided within a period of six months from 19.05.2022.

[5]. In view of unrebutted pleadings of the petitioner, I deem it appropriate to Sh. Gaurav Khera, Advocate R/o # 1784, Sector 15, Panchkula, Mobile No.9416354919 as the sole Arbitrator, to resolve the dispute/difference between the parties.

The appointment of the Arbitrator shall be subject to the declaration to be made by him as required under Section 12 of Arbitration and Conciliation Act, 1996 in respect of his independence and impartiality to settle the dispute between the parties.

[6]. The Arbitrator would complete the proceedings within the specified time in terms of Section 29-A of the said Act. The Arbitrator shall be paid fee in accordance with the IVth Schedule of the Act as amended from time to time. The fee shall be borne by both the parties equally.

[7]. Venue of the Arbitration shall be the place to be disclosed by the Arbitrator according to his convenience.

[8]. A copy of this order be dispatched to the Arbitrator at the following address:-

Sh. Gaurav Khera, Advocate
R/o # 1784, Sector 15, Panchkula,
Mobile No.9416354919

[9]. Petition stands disposed of accordingly.

(RAJ MOHAN SINGH)
JUDGE

October 28, 2022

Atik

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No