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

**ARB No.162 of 2021 (O&M)
Date of Decision: 27.10.2022**

M/S AMAZONE TRANSPORTATION SERVICES PVT LTD

.....Petitioner

Vs

M/S VEENA INDUSTRIES

...Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. Amit Kohar, Advocate
for the petitioner.

Mr. Saurav K. Manchanda, Advocate and
Mr. Vinay Kumar Pandey, Advocate
for the respondent.

RAJ MOHAN SINGH, J.(Oral)

[1]. Petitioner has filed the present petition under Section 11(4), 11(5) & 11(6) of the Arbitration and Conciliation Act, 1996 (hereinafter to be referred as 'the Act') for appointment of an independent Arbitrator to settle the dispute between the parties.

[2]. Petitioner has tentatively valued its claim to the tune of Rs.90 lakhs along with interest till date. Petitioner is a private limited company incorporated under the Companies Act, 1956. Petitioner is engaged in the business of providing logistics and transportation services. Respondent is a partnership firm.

Petitioner and respondent entered into a lease agreement dated 20.07.2015 in respect of property consisting of entire ground floor and exclusive parking space of both sides of the property for a period of 60 months commencing from 01.06.2015. The lease has expired on 31.05.2020. After execution of lease agreement on 20.07.2015 in respect of area measuring approximately 41,500 sq. ft., a fresh lease agreement was also executed on 27.08.2016 for additional area of 25,000 sq. ft., in the above said property for a period of 60 months wherein rent for 10,000 sq. ft. area was to commence from 29.08.2016 and for remaining 15,000 sq. ft. from 30.09.2016. Petitioner had deposited a cumulative amount of Rs.90 lakhs as interest free security towards the aforesaid two lease agreements. It was mutually decided between the parties that there shall be lock-in period of 12 months commencing from the lease commencement date.

[3]. Learned counsel for the petitioner submits that the premises in question has already been vacated in the year 2019, but the respondent has forfeited the security amount on the aground that the petitioner has caused damage to the property. Petitioner has already invoked arbitration clause vide notice of invocation dated 17.12.2019, but the same has been repudiated by the respondent vide reply dated 14.01.2020.

[4]. Learned counsel for the petitioner further submits that only one arbitrator be appointed to decide the dispute between the parties keeping in view the amount involved in the present petition.

[5]. Notice of motion was issued on 01.03.2021. None had appeared on behalf of the respondent despite service on 31.03.2022 and the respondent was proceeded against *ex parte*. Today Mr. Saurav K. Manchanda, Advocate and Mr. Vinay Kumar Pandey, Advocates have appeared on behalf of the respondent.

[6]. Having heard the submissions made by learned counsel for the parties, I find that a *bona fide* dispute exists between the parties. The stand of the petitioner has gone unrebutted in view of non-filing of reply to the main petition.

[7]. Keeping in view the facts and circumstances of the case, I hereby appoint HMJ Rameshwar Malik (Retd.) # 280, Advocate Society, Sector 49-A, Chandigarh, Mobile No.7837049206 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.

[8]. 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.

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

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

HMJ Rameshwar Malik (Retd.)
280, Advocate Society, Sector 49-A, Chandigarh,
Mobile No.7837049206

[11]. Petition stands disposed of accordingly.

October 27, 2022	(RAJ MOHAN SINGH)
Atik	JUDGE
Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No